NELLE

RELAZIONI INTERN[illegible]

FIRENZE

TIPOGRAFIA GALILEI

Via San Zanobi, 5.

—

1907

Nelle mirabili pagine della sua «
allo studio della scienza sociale » l
servava come uno dei più gravi os
interpretazione scientifica dei fenome
desse nell'abitudine, profondamente
spiriti, di considerare nel corso del
tanto il ricordo dei personaggi no
loro azioni, trascurando affatto tutt
tori dell'evoluzione sociale.

« Tutta la storia — egli scrive
« dei fatti e delle gesta dei re, men
« dell'organizzazione industriale, per
« visibili, non sono riusciti che di r
« tirare su di sè un po' di attenzi
« occhi e tutti i pensieri sono stati
« agli atti dei governanti, anzichè
« tosto a quei processi vitali di coop

ito a correggere in gran parte il metodo difet-
io, censurato dallo Spencer. Il fattore sociologico,
sì a lungo trascurato, è divenuto finalmente og-
tto di studio intenso e metodico. E la mente
i pensatori si è rivolta ad indagare con sottile
ra la natura ed il valore di quelle grandi ener-
e sociali, che esercitano la loro influenza sulla
a e sullo sviluppo dello Stato.

Tali energie hanno sempre esistito ed ope-
to; ma la loro affermazione vigorosa e cosciente
fenomeno tutto proprio dell'epoca nostra. Per
coli e secoli esse rimasero avvolte nell'ombra,
chè la grande trasformazione politica e sociale,
venuta in Europa durante il secolo XIX, per-
se loro di uscire alla piena luce del sole, e di
surgere a fattori attivi e potenti della vita na-
nale.

Questo fatto ha dato ad esse un'imponenza
proporzioni ed una determinatezza di caratteri,
atto ignote dapprima. E perciò soltanto oggi
se s'impongono veramente all'attenzione dei pen-
tori. I quali spingono le loro indagini verso quei

e specifiche.

Il prodotto più elevato e spo
rito collettivo, la più grandiosa d
stazioni è l'opinione pubblica. V
comunità, essa costituisce l'orga
mezzo del quale questa esprime il
sulle grandi questioni d'indole sp
tica e sociale, che si dibattono in
momento storico.

L'opera degli uomini dirigen
blica si svolge sotto l'impero ed
dacato di quel misterioso e temib
penetra dappertutto con piena inc
ogni fatto della vita pubblica pronu
dizio supremo e solenne. Esso r
così dire, l'atmosfera, entro la qua
azione governativa. Perchè questa
lità di efficacia e di successo, è inc
l'opinione pubblica le sia favorev

già per la sua verità, ma per la sua po-
ı. Ancorchè versi nell'errore, e giudichi fal-
nte, l'opinione pubblica è pur sempre una
forza spirituale e morale, che è pericoloso il
astare. È questo il giudizio del Bluntschli. E
nte di Cavour osservava che quando il vento
pinione pubblica soffia con violenza in una
direzione, non v'è riparo contro il suo im-
che spezza tutto ciò che incontra.

Questo è soprattutto vero per lo Stato mo-
, nel cui concetto l'opinione pubblica entra
elemento intrinseco, conseguenza logica e
ta dei principî fondamentali su cui esso riposa.
Tuttavia osserva il Bryce che si ha torto ge-
mente di parlare dell'opinione pubblica come
a forza nuova, apparsa nel mondo solo da
do hanno cominciato ad esistere i governi a
democratica costituzionale. L'opinione pub-
è stata sempre, sotto tutte le forme di Stato,

rica. Nessun governo, per quanto mil
potrebbe resistere lungamente sei
Onde ha ragione David Hume, q
che l'opinione dei governati è l'eff
fondamento di tutti i governi, e ch
è vera così per i governi più disp
quelli più liberi e popolari.

La differenza tra gli uni e gl
siede dunque nel fatto che i prim
sulla forza ed i secondi invece su
cittadini. In realtà questo è indispe
trambi. Ma mentre nei governi d
risolve nell'obbedienza istintiva e p
polo ad un'autorità, che è all'inf
governa senza il suo concorso, ne
forma democratica e rappresenta
della volontà nazionale, quale base
eleva l'opinione pubblica a fattore a
della vita politica. Essa esce dalla
per trasformarsi in una forza feco
che, a mezzo di molteplici organi, es

ell'autorità della quale ormai mette in dubbio i
'itti. Questo periodo di rado si svolge senza scosse
›lente. Il sentimento pubblico erompe di tratto in
.tto tumultuariamente con tutto l'impeto di una
'za lungamente compressa, e scoppia in violenze
ribellioni, che finiscono col dargli la vittoria.

L'opinione pubblica in Europa è passata at-
.verso a queste tre fasi, tutte ugualmente ne-
;sarie, prima di giungere all'impero attuale.

Il periodo storico, che dalla pace di Westfalia,
l 1648, va fino alla Rivoluzione francese, fu il
riodo dello Stato autoritario, nel senso piu rigo-
;o e assoluto. Vinta la resistenza dei vassalli e
omposto il frazionamento feudale nelle grandi
glomerazioni territoriali degli Stati, abbattuta
po un'epica lotta la pretesa supremazia dell'Im-
ratore e del Pontefice, i principi potevano final-
:nte vedere appagata la loro ambizione di so-
ınità e di indipendenza.

diritto generale di proprietà priv
principe, rendeva impossibile il r
qualunque diritto politico del pop
concepibile una sua compartecipa:
che esso era del resto ancora trop
potere efficacemente esercitare.

È questa l'epoca in cui l'Eu
nata dalle guerre per la conser
librio, e per il consolidamento del
chie; l'epoca in cui, non la volon
gli intrighi delle Corti dominan
ternazionali, e gli atti di succes
monio, di rinunzia dei principi co
ritto pubblico europeo.

La politica estera è affare
vrano. Un suo capriccio, un mo
umore, una parola insinuatagli
bastano ad accendere terribili co
stamento può mutare la fisonomia
uniformità delle consuetudini, de
dalla diplomazia, del cerimoniale

ıti per la civiltà. Essi chiudono definitiva-
ɜ il medioevo, e rendono possibile l'avvento
Stato moderno, fondato sulla volontà nazio-
Questo non poteva sorgere, finchè un grande
sso di fusione non avesse rinsaldato le sparse
ɔra dei popoli in masse omogenee ed uni-
e dal disordine medievale non avesse tratto
i corpi nazionali. Un simile risultato poteva
ɜrsi soltanto mercè una disciplina ferrea, la
, violando anche la giustizia, spezzasse tutte
ɟistenze e costringesse tutte le volontà sotto
ıico giogo. Così l'Europa sembra per lungo
ɔ una gigantesca officina, nella quale il mar-
della politica batte senza tregua sui corpi
opoli, per consolidarne l'indipendenza e la

ɹa stessa ragione di Stato, con tutte le sue
tà e le sue ingiustizie, protegge potentemente
ɪluppo dei grandi Stati contro i pericoli in-

meni politici, dove anche gli abu
vente giustificati da necessità sup

E l'opera, che lentamente si c
i sacrifici che costa. Dietro ai perso
gono la loro parte sul davanti de
disegnandosi a poco a poco, dap
come perdute nell'ombra, poi ser
e distinte, le grandiose figure dell
bedienza ad uno stesso potere, l
delle battaglie, la venerazione per
carnazione vivente della tradizior
risvegliano a poco a poco nei fra
popolo il sentimento di una comu
che si fa sempre più intima. È la
nale, che si forma: la coscienza
sarà il centro luminoso, attorno al
tutta la nuova costituzione politic

Col risvegliarsi della coscie
anche l'opinione pubblica si scu

:ata nei confini del territorio francese, essa
me i caratteri di una propaganda internazio-
, offrendo il fraterno soccorso dei suoi eserciti
ıanti popoli volessero cacciare il despota e
lamare la libertà.

Sotto il grande impulso, le nazioni escono ad
ad una dall'ombra. La resistenza tenace, che
olutismo oppone alle rivendicazioni popolari,
oca sanguinosi conflitti. Qui si combatte per
ɔpare al sovrano le libertà costituzionali e gli
ıti rappresentativi. Altrove la lotta per la con-
:a di un regime più democratico e liberale si
plica cogli sforzi, diretti a cacciare l'oppres-
: straniera, ed a riunire tutta la nazione in un
organismo politico.

Sembra che le fiamme di un unico incendio
npino in ogni punto di Europa. Ma la vittoria
itiva non può essere dubbia. Le aspirazioni
ɔcratiche e nazionali trionfano quasi dovunque,
pinione pubblica, espressione fedele dello spi-

sindacato non è possibile, se non v
pleta libertà di discussione, se la
diritto di riunione e di associazion
svolgersi con piena espansione ec
Osservano anzi l'Orlando ed il Mir
paesi liberi l'opinione pubblica si
una gran forza, ma la ragione in
verno e, intesa in un elevato sens
base stessa della sovranità.

Nel governo rappresentativo è
damentale che soltanto la volontà
ha diritto di governare lo Stato. Il p
coi quali tale volontà si esplica,
rappresentanti al parlamento. Se nc
rienza ormai sufficente sul funziona
tuto parlamentare ha rivelato come
sia vero quel principio di diritto co
rico, secondo il quale vi sarebbe s
fetta corrispondenza, un'assoluta arr
tra rappresentanti e rappresentati

ro sui problemi che agitano la vita nazionale.

Tali problemi non si svolgono soltanto nell'àm-
ɔ della politica interna. Da esigenze imperiose
vita ogni Stato è tratto ad esplicare un'azione
:he al di là dei propri confini territoriali, a par-
ipare alla vita internazionale, a stringere rela-
ni di ogni specie cogli altri Stati, che convivono
mondo. La necessità di tali relazioni si è fatta
ı intensa che mai nell'epoca nostra, in forza del
·attere di universalità che tutte le manifesta-
ni della vita politica e sociale sono venute as-
nendo. La trasformazione dei mezzi di comu-
:azione, ravvicinando i continenti con legami
ı rapidi e sicuri di quelli che non esistessero
passato tra le provincie di uno stesso paese,
investito tutte le regioni e tutti i popoli di un
e sviluppo di solidarietà materiale e intellet-
ıle, sociale e politica, che l'esistenza di uno Stato
lato nella sua condotta e nella sua politica è
·enuta impossibile. Uno Stato, il quale presu-

cetto della straordinaria importanz
estera va sempre più acquistando r
sviluppo di ogni Stato. « Le relazio
alla camera dei Comuni Lord Bea
« la parte più importante della pol
« esse principalmente dipendono la
« grandezza delle nazioni ». Sono di
gli interessi, che ogni Stato possie
poste parti del mondo e che esso de
più vigile energia, sono così urg
economiche e demografiche, che lo
vie dell'espansione coloniale, è c
la gara tra gli Stati per allargar
propria influenza commerciale e
dominio politico, che dall'indirizzo
lice e previdente, dato da uno Stato
estera, possono derivargli le maggi
per un lungo avvenire.

La sua stessa tranquillità e pr
dipende sovente dall'atteggiament
sume di fronte ad una determin

ti al parlamento ed alla nazione. Ma dalla for-
:ione delle unità nazionali e dall'introduzione
regime rappresentativo non è derivato l'effetto
:etizzato da tutta una scuola di scrittori di di-
) internazionale: i quali affermavano che quando
ırii Stati del mondo fossero stati liberi e co-
ıiti su basi nazionali, ogni ragione di lotta
:bbe venuta meno tra essi, ed una pace eterna
:bbe regnato sulla terra.

La realtà ha smentito la profezia. La forma-
ıe delle entità nazionali, senza far scomparire
:ause dei vecchi dissidi, ne ha reso alcune più
te ed altre ne ha aggiunte di nuove. L'anta-
ismo fra i popoli si è rivelato in piena luce,
: democrazie, raggiunto il potere, si sono mo-
te ambiziose ed avide di conquista quanto i
ndi principi della storia. Il fenomeno contem-
ıneo dell'imperialismo ne è la prova più evi-
te.

pidità, con cui le notizie pervengonc
del mondo e vi si propagano a mezzc
fanno sì che ogni popolo s'interess
menti della politica internazionale,
lo concernono direttamente. Quand
biano una ripercussione sui suoi in
ressi, e si tratti di problemi, che
sue aspirazioni e il suo sviluppo avve
cipazione si fa naturalmente assai più
spirito pubblico, orientandosi in ques
direzione, si afferma come una forza
in materia di politica estera.

È perciò indispensabile element
che l'opera del governo trovi largo c
pubblica opinione.

Se questo consenso esiste, il g
trarrà, nelle trattative con gli altri S
e forza morale grandissima. Se invece
l'efficacia dell'opera diplomatica ne
diminuita, e potrà fors'anche sorgere

tanta parte la potenzialità della politica estera
uno Stato. Fra tali forze primeggia l'opinione
ɔblica. Che se il suo concorso è sempre del
alto valore per il governo, lo è tanto più in
ɜlle imprese, che presentano maggiori difficoltà
ericoli, e quindi richiedono dal popolo una spe-
le somma di abnegazione e di sacrificio.

« Perchè tale consenso esisteva », nota giusta-
nte il Catellani, « la Grambrettagna ha potuto,
enza turbamenti della sua vita politica interna,
ıassare nell'Africa del Sud di disastro in disastro,
ırima di conseguire il successo finale. Perchè quel
onsenso mancava, la nostra riparabile sconfitta
bissina fu resa definitiva dal turbamento della
ıazione. Quel consenso ha reso nell'ultimo de-
ennio così forte il Giappone; ed alla sua man-
anza è dovuta la debolezza della Russia nell'ul-
ima guerra ».

Tuttavia dalla potenza dell'opinione pubblica,
la necessaria armonia, che deve intercedere tra

difetti, proprî di quella collettività

L'indagine relativa al processo
alla natura, ai caratteri dell'opinior
stituisce uno dei problemi più inter
che più difficili della sociologia. N
nostri metodi scientifici studiare un
per la sua indole indefinita e m
sfugge quando si voglia rinchiude
tive determinazioni. Tuttavia molti
letti vi si sono provati; e le acute
Holtzendorff, del Bryce, del Gabba
varii altri illuminano di molta luce
gomento.

Non è vero che l'opinione pub
alcuni sostengono, la semplice som
giudizi degli individui, che fanno
sociale, sicchè di questi essa rispe
fettamente la natura ed i caratteri.
zialmente sociale, l'opinione pubb
della profonda influenza che l'amb
specialmente di quella gran forza c

ni, di pensieri, di sentimenti da parte di una
oranza attiva nella psiche della grande mag-
anza passiva. I più degli uomini non sanno
narsi degli avvenimenti, a cui assistono, un giu-
o affatto proprio, frutto delle loro convinzioni e
ssioni personali. Essi ne ricevono soltanto una
ressione più o meno debole ed informe. La
a e la determinatezza, che tale impressione
nitiva va poi acquistando, la sua trasformazione
un'opinione ferma e convinta sono l'effetto di
influenza che l'individuo riceve dal di fuori, dai
orsi degli uomini politici, dall'atteggiamento
capi del suo partito, soprattutto dalla lettura
giornali, i quali costituiscono il più potente ed
ace tra gli organi attivi dell'opinione pubblica.
Questi organi quindi, come osserva il Bryce,
sono semplicemente l'espressione di opinioni
ndenze già esistenti. Sono fattori, che svilup-
o e formano il giudizio del popolo. L'opinione
'opinione. Gli uomini seguono la via, che ve-

esercitano la loro influenza su di q
done e dirigendone i giudizi; però
subiscono l'influsso, perchè il tim
sere approvati e seguiti dalla mag
che essi cerchino di sondarne lo stato
di esprimere il loro giudizio su di
stione, tentando di indovinare la p
glienza, che ad essa verrà fatta. In q
rapporto è la parte più curiosa e i
processo formativo dell'opinione pub

Ma la molteplicità degli organi
si esprime, il frastuono, col quale
più diversi partiti pretendono di ess
preti, di servirle di guida, di imporle
dizi, la diversità delle correnti e cont
possono manifestarsi in essa a propo
terminato avvenimento, rendono so
mente difficile il farsi un giusto
cetto del suo pensiero. Onde ha ra
di definirla « quella cosa potentiss

ninazione. A questo vizio intrinseco altri se aggiungono, derivanti dal fatto che essa è un lotto della psiche collettiva, e quindi ne ri-:chia i caratteri.

La soluzione dei problemi politici richiede at-dini intellettuali, larghezza di coltura, spirito fondo di osservazione, notevole esperienza: qua-queste, che mancano alla collettività, e che sol-:o privilegiati individui possono avere. Quindi i lizi dell'opinione pubblica sono sovente formati za una fondamentale conoscenza delle cose, erficialmente, sulle esterne apparenze. Poichè voce del sentimento le è di guida assai più quella della ragione, è facile che essa venga)ata e commossa da momentanee passioni, e segua senza riflettere l'impulso.

Più volte piega
l'opinion corrente in falsa parte,
e poi l'affetto l'intelletto lega.

ficua, deve tendere con tutte le sue
azione intensa e pertinace, al con:
suoi fini. Ora l'opinione pubblica no
pregi quello della perseveranza. Cor
tschli, essa oscilla sovente e a ca
di là; oggi premia ciò che ieri ha
spregia spesso domani ciò che og
con fervore. Spetterebbe agli organi
mente alla stampa, l'illuminarla e i
quante volte si rivelano impari all'a
o per ignoranza, o per timore di
vore popolare, o per altri più grav

Questi difetti dell'opinione pu
tano una speciale gravità nel car
tica estera. Le questioni di politica
sempre un carattere relativo. Una
può essere corretta da un'altra, un
infelice può essere riparato, l'opi
tratta in inganno, può ritrovare fac
sta via, senza che la vita nazionale n
danno.

le sorti e l'avvenire della nazione.

La generosità dei sentimenti, il desiderio della tizia e del bene sono qualità nobilissime, ma bastano a risolvere in modo soddisfacente i plessi ed intricati problemi della politica estera, juali piuttosto altre doti sono necessarie: una ıra e preparazione adeguata, una limpida vie della realtà, uno spirito acuto e previdente, non si lascia sorprendere dagli avvenimenti, prepara la nazione in tal modo, che essa a affrontare qualunque complicazione internaale nelle condizioni più favorevoli per la sodızione delle sue aspirazioni e dei suoi interessi.

Queste qualità essenziali mancano all'opie pubblica. La massa non può avere un' ingenza politica sufficiente ad intendere questioni richiedono attitudini e studî speciali, e delle i sovente non sa comprendere l'importanza valore; nè è capace d' interessarsi lungate al medesimo problema. Essa procede nerımente, a scatti. Tratto tratto ha dei bruschi

polo da qualche delusione od offesa
ad uno di quelli atti di delirio (
nessun governo può resistere. A
può trovarsi ad un tratto dalla foll
ignorante ed irresponsabile precipit:
alla quale non è preparata e le cui
saranno fatali.

Il sentimentalismo e la retoric
sull'anima collettiva; e dalle loro
cile che essa sia condotta a dime
dizioni attuali della società inte:
cullarsi nei vaghi sogni del cosm(
nitario. Fatale illusione che scan
dell'oggi le speranze di un futuro
tanto sacrifica i diritti e gli inter(
quelli di altri Stati più previdenti

« Gli affari diplomatici — a:
« stone in un suo discorso alla (
« muni — richiedono delle doti sp

eoccupate da considerazioni astratte e da idee partito ».

Tanto meno una siffatta pieghevolezza può arsi nella moltitudine, proclive ai giudizi asti e alle risoluzioni estreme; nè all'opinione ɔlica, variabile per natura sua, agitata dalle ɔste correnti dei partiti, spesso confusa e inıata dai clamori della stampa, può chiedersi la nettezza di vedute, quella continuità e staà di indirizzo, che è condizione essenziale di esso nella politica estera.

S' intende quindi di quanta importanza sia ıe oggi la presenza al governo di un abile ıo di Stato, il quale non si accontenti di see docilmente gli impulsi dell'opinione pubblica, sappia illuminarla e dirigerla.

Il popolo non ha meno bisogno di sapienti e eduti servitori, di quello che non ne avessero i cipi assoluti. Ne ha anzi di più. Poichè questi

il mondo, suscitando dovunque
interessi e occasioni di conflitti
sono i popoli i protagonisti della
sario penetrare nella loro psicolog
cetto esatto del loro temperament
razioni, delle loro forze: conosc
tutti i suoi elementi quella granc
cui le nazioni sono i pezzi, che s
senso o nell'altro secondo il giuoc
l'incrociarsi degli interessi.

Nella difficile gara il successo
parte dall' abilità personale dei
ciò è gran fortuna per una naz
mente nei momenti più gravi del
nazionale, le sue sorti sono affi
che hanno una visione netta e
interessi, ed a favore di questi
un'azione vigorosa ed una vigila
Perchè così avvenga, è necessar
seggano in grado eminente le c

'Italia, che ne ha fatto una ben amara espe-
za e ancora ne risente gli effetti dolorosi.

Alla politica estera di uno Stato è bensì neces-
) il concorso di un altro elemento di successo.
È compito della diplomazia vigilare sul corso
i avvenimenti, afferrare le occasioni favorevoli,
gere sapienti accordi, in cui gli interessi del
e trovino efficace tutela. Ma le linee direttive
programma che essa dovrà svolgere, devono
rle dal paese medesimo. Se l'appoggio della
ione pubblica è indispensabile all'azione go-
ativa, questa deve trovare in quella ispirazione
npulso.

Gli uomini che sono al Governo cambiano
mente, specie nei regimi a base parlamen-
come il nostro. Invece la politica estera di un
e, se non vuol essere perpetuamente sterile,
avere un carattere di assoluta continuità e
lità. È perciò necessario che le sue grandi

ispirarla e dirigerla, possiedano qu
politica, della quale, or sono due an
quest'aula l'illustre collega, profess

In un regime libero, ogni gr
della nazione, ogni nuovo obbiettivo
sua vita politica ed economica, devo
gamente e apertamente discussi ne

Da tale discussione trarranno
anche i problemi della politica este
quelli relativi alla preparazione mi
sono intimamente legati, perchè la
ancora grande valore nelle competi
litica internazionale.

È ufficio delle classi dirigenti
tale discussione, così che l'opinion
posta in grado di intendere e giu
stioni, che interessano la nazione,
e appoggio suo resti rafforzata l'ope
Ma è vano attendere l'esercizio di

:oscienza degli interessi del paese.

Poichè questa preparazione esiste, sorretta da
. pratica lunga e costante, l'opinione pubblica
ı Inghilterra una forza della maggior potenza
efficacia. Poichè essa è stata finora affatto in-
iciente, l'azione del governo ha di rado trovato
o spirito pubblico italiano impulso vigoroso e
.do- appoggio. Questo fatto deve renderci assai
indulgenti nel giudicare certi errori e certe defi-
ıze della nostra politica estera; mentre accresce
ıostra ammirazione per quelli uomini insigni
, avendo l'opinione pubblica indifferente od anche
le, seppero tuttavia colla loro autorità ed espe-
ıza personale ottenere risultati diplomatici sod-
'acenti per il nostro paese.

Come osserva il Catellani, la parte direttrice
ispiratrice del popolo italiano ha avuto il grave
o di immobilizzarsi negli ideali, nelle ispira-
ıi, nelle cognizioni e nelle formule del primo

sovente l'assenza di una politica
proprî fini e coerente nei mezzi
guirli.

Ormai, come tutte le altre ma
vita, anche l'opinione pubblica tend
i confini dei singoli Stati, e ad affe
gran forza internazionale. Dalla s
riale e morale sempre maggiore, c
poli, e fa sì che ognuno di essi s'i
quei fatti, che non lo riguardano di
fuori la formazione di un'opinione
zionale, la quale sovrasta alle opinic
singoli paesi, e tutte le riunisce in
riore. Essa è il prodotto dei con
società internazionale, e agisce co
supremo, i cui giudizi possiedon
d'imparzialità e di criterio, che s
nel paese, dove il fatto avviene,
dibatte. Ne deriva che le sue senten

grandi potenze, li costrinse a porgere ascolto
rido di dolore dei popoli oppressi, e sovente
nire in loro soccorso, ora colla semplice azione
matica, ora con un intervento più diretto ed
ace. Ad essa si rivolgono, in un supremo ap-
, quanti combattono per una causa giusta.
Il conte di Cavour fu maestro insuperabile
arte di servirsi dell'opinione pubblica europea
ntaggio della causa italiana. In ciò sta la sua
riorità su Bismarck. Poichè mentre quest'ul-
poggiava tutto il suo piano sulla sorte delle
glie, Cavour creava attorno agli avvenimenti
ale ambiente morale che il successo scaturiva
ancabile, come una conseguenza necessaria e
tima.

« Il giorno, nel quale scenderemo in campo
egli disse in un suo discorso — io voglio
er preparato le cose in modo che l'atmosfera
sia favorevole, e che tutti possano dire: Il

« lite potrà esser lunga, le peripe
« molte; ma noi, fidenti nella g
« stra causa, aspettiamo con fiduc

Specialmente memorabile è
dell' 11 ottobre 1860. « Affermai
« disse con magnifica eloquenz
« blema di Roma non può, a m
« sciolto colla sola spada. Le f
« bono concorrere al suo sciogli
« la soluzione della questione r
« sere prodotta dalla convinzione
« pre più crescendo nella società n
« nella grande società cattolica,
« altamente favorevole allo svilu
« timento religioso.... Quando qu
« accolta generalmente, e non ta
« quando quest'opinione avrà acq
« l'animo degli altri popoli e s
« cuore della società moderna, n
« di affermare che la gran magg
« tolici illuminati e sinceri ricon

tutti portiamo a questa illustre martire, noi ti, credo, riconosciamo che non si potrebbe ora rompere guerra all'Austria. Non si può, chè non siamo ordinati; non si può, perchè uropa non lo vuole. Io so che questa obbiene non sarà forse menata per buona da alii oratori, che credono si debba tenere poco ito dell'opposizione delle altre potenze. Tuttia, o signori, mi credo in dovere di respine quest'opinione, e di fare osservare come fu npre dannoso pei principi e pei popoli il non ier conto dell'opposizione delle altre nazioni.....

« Come dunque sciogliere la questione della nezia? In un modo semplicissimo: facendo nbiare l'opinione dell'Europa. Ma si chiederà: come? L'opinione dell'Europa cambierà, per l'opposizione, che ora s'incontra, esiste non o nei governi, ma anche, bisogna pur dirlo, una gran parte delle popolazioni. Tale opposione proviene da più cause. È il dubbio, in cui sa l'Europa, sulla nostra abilità a costituirci

« Costituiamo uno Stato forte, ...
« disporre di un esercito formidabil
« dra ragguardevole, ma che ripc
« unanime delle popolazioni, e a
« dell' Europa si modificherà. Quɛ
« rità saranno penetrate in tutt
« cuori di Europa, esse eserciterai
« influenza ».

Nelle parole del sommo stat
un insegnamento, che le condizic
tuali rendono più vero che mai.
blica internazionale si accresce
autorità e di vigore, tuttavia ess
lungi dal raggiungere quella cond
cui potrà da sola assicurare ad c
perfetta sicurezza d' incolumità (
Onde le nazioni, pur fidando in e
care un più sicuro ed immediato
forza materiale delle armi, ed in (
un vivo spirito patriottico.

ti cittadini di ogni paese, per proclamare le idee
ifiche ed umanitarie.

Ma l'orizzonte politico è oscuro. Le aspira-
ıi alla pace, per quanto universali e sincere,
rebbero ridursi ad un inutile desiderio, quando
le nazioni sorgessero cause di conflitto, che
ero il prodotto di antagonismi inconciliabili.
guerre degli ultimi anni, e più ancora certi
enti episodi della politica mondiale rivelano
ıe tali cause non manchino. Nè è escluso il
icolo che, acuendosi in un avvenire più o meno
ano, esse possano condurre a lotte fatali. Quali
ınno le sorti future di quella gara di espansione
oniale, che è imposta alle grandi nazioni pro-
rici da imperiose esigenze economiche, e di-
ıe ogni giorno più viva e febbrile, mentre
pre più si riduce il campo ancora aperto alle
ıpazioni e alla libera concorrenza? Potranno
interessi dei varî popoli coesistere pacifica-

un'êra di giustizia e di pace, o n
prepari terribili prove.

Conviene perciò inneggiare alle
contribuire con tutte le proprie f
attuazione, ma in pari tempo vigi
mente sui futuri sviluppi della poli
pienamente consapevoli dei pericoli
gnite, che essi racchiudono.

Auguriamo che una tale cosc
pida ed intera nell'opinione pubbli
paese, ispirandole sapienti e vigo
così che l'Italia possa guardare se
l'avvenire, sicura di sè stessa e fid
grandi destini.

A PRIMER OF PEACE & WAR

Imprimi Potest.

JOANNES WRIGHT, S.J.

Nihil Obstat.

F. THOMAS BERGH, O.S.B.

Imprimatur:

EDM. CAN. SURMONT
Vic. Gen.

WESTMONASTERII,
die 11 *Junii*, 1915

A PRIMER OF PEACE & WAR

THE PRINCIPLES OF INTERNATIONAL MORALITY

EDITED FOR THE CATHOLIC SOCIAL GUILD

BY

CHARLES PLATER, S.J., M.A.

NEW YORK
P. J. KENEDY & SONS
44 BARCLAY STREET

LONDON
P. S. KING & SON, LTD.
ORCHARD HOUSE, WESTMINSTER

1915

TABLE OF CONTENTS

PART II. MORALITY AND WAR

PART III. EFFORTS TOWARDS PEACE

PART IV. HISTORICAL

INTRODUCTORY

A

INTRODUCTORY

Importance of our Subject

1. The numerous text-books on International Law published in these days usually deal with the actual usages and agreements between nations, *i.e.* with what is called *positive law.* They do not as a rule devote much attention to the *moral law* on which international law is based. In other words, they are more concerned with how States *agree to act* than with how they *ought to act* towards one another.

Now it is imperatively necessary, especially in these days when international morality has so largely broken down, to lay stress on the *moral* character of international law. Stable peace in Europe can only be secured by bringing *international relations* once more under the moral law, that is to say, by insisting on States keeping the law of God in their dealings with one another. But this, in turn, can only be brought about by the people: by the pressure of a sound public opinion. In the formation of this sound public opinion social students and social study-clubs have a leading part to play.

The importance of our subject, then, cannot be exaggerated.

Our Appeal is to Human Reason

2. We are about to consider the subject of international morality from the point of view of *reason*. The moral law existed and could be ascertained by human reason even before the advent of Christ.

Revelation, of course, helps us to grasp it more firmly, and in the historical part of this book we shall see something of the influence of Our Lord's teaching upon international morality. But our science does not depend upon any dogma of Christian revelation. Our appeal is to the human reason.

This does not mean that in international morality we can dispense with Christianity or safely build up our science without reference to revealed truth. Human reason needs guidance and support. It is precisely because, at the time of the Renaissance, men *dechristianized* international morality and cut it adrift from revelation, that international relations have to-day become so unreasonable. Not that the moral law was never broken in those days, but at least it was recognized.

Hence, although all that we have to say in this book is based on reason and should commend itself to all thoughtful men, even to those who do not accept Christian teaching, yet those who take Christianity as their guide will find at every step additional motives for assenting to it. For revelation does not destroy reason but strengthens and perfects it.

The Use of the Historical Method

3. In Part IV of this book we show the historical development of the doctrine of war: we consider how the same matter has been viewed at different times by various peoples. This will help us to understand how men came to think as they now do about these subjects. We shall see how the main truths came to be more and more clearly possessed: how errors arose and were in course of time shown to be errors.

For the practical purpose of promoting right international relations we must take the truth and leave the error: we must consider the best that is now known to reason. This we do in the first part of this book. Similarly a doctor, though he study the history of medicine, will not think of applying ancient remedies now known to be injurious: nor will a sanitary engineer employ primitive methods of drainage now discarded. We take the best we can find to-day: but history helps us to appreciate the best.

Editor's Note. My grateful thanks are due to the Rev. J. Keating, S.J., the Rev. V. Moncel, S.J., and Mr. F. F. Urquhart for contributing sections to this *Primer*: also to the Literary Sub-committee of the Catholic Social Guild and to Canon William Barry, D.D., for many valuable criticisms and suggestions.

PART I

INTERNATIONAL MORALITY IN GENERAL

PART I

INTERNATIONAL MORALITY IN GENERAL[1]

(BY THE EDITOR)

(A) DEFINITIONS AND DIVISIONS

4. THERE exist to-day a number of different *States*. By a State we mean an independent political community with a fixed territory and a single government.

Each of these States is a united, organized whole, with a civil government which represents it, and which thinks and acts for it. It is not a mere collection of people who happen to live in a certain country. A State is *one thing*, though it may be a very complex thing.

States as we shall see have rights and duties one to the other. Just as the subjects of any one State are bound to one another and to their State as a whole by moral obligations, so the various States are bound to one another by ties which may be summed up under the titles of *International Law* and *International Morality*.

[1] In this Part much use has been made of Theodore Meyer's *Institutiones Iuris Naturalis*, vol. ii.

The term International Law was first employed by Jeremy Bentham [1] to replace the previous term "Law of Nations," which was ambiguous, as it might mean *either* those laws which are found to be common to all nations *or* law between nations. Bentham's term avoids this ambiguity, but fails to bring out the fact that International Law regards *States* rather than *nations* (*see* n. 5).

International Law, then, may be defined as the sum of those rights and duties by which the various States are morally bound to one another.

A narrower definition would be:

> "Those rules of conduct which reason deduces, as consonant to justice, from the nature of the society existing among independent nations; with such definitions and modifications as may be established by general consent." [2]

Divisions of International Law

5. (*a*) *Private and Public.* Private International Law consists in rules by which States consent to guide their own conduct in dealing with foreign individuals who come under their jurisdiction. In such cases a State, instead of rigorously subjecting a foreigner to its own law, will take into consideration the law prevailing in the foreigner's own country. This is done not as a matter of strict justice but in a spirit of friendliness and "comity."

Thus, for instance, a woman belonging to a country where a married woman can perform legal acts of herself, can do this in a country where such power is denied to married women.

[1] *See* his *Principles of Morals*, xvii, 25, *note*.
[2] Wheaton, *International Law*, p. 22.

Private International Law is called *private* because it affects private persons and not the State as a whole: it is called *international* because the same rules have, to a large extent, been adopted by different civilized States.

The necessity and utility of private international law are everywhere recognized, especially in these days of easy communication between the citizens of different States. Certain rules of private international law were drawn up by fifteen States at The Hague in 1896, and were ratified in 1899.

But with this branch of the subject we have little direct concern in the present volume.

Public International Law is the law which regulates the conduct of one State as a whole to another State as a whole.

It will be noticed that we speak of *States*, whereas the term "international" suggests a relation between *nations*. A nation and a State are not the same thing though they may happen to be co-extensive. A State is a single political community which may embrace two or more nations: a nation, on the other hand, may be divided into more than one such community. Thus France is both a State and a nation. The Austrian State includes several nations. The Polish nation is found in several States. But the term "nation" is also sometimes used as equivalent to "State."

Nor is a nation the same thing as a *race*. J. S. Mill's definition of a nation is well known.

"A portion of mankind may be said to constitute a nation if they are united among themselves by common sympathies which do not exist between them and others. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity

of race or descent. Community of language and community of religion greatly contribute to it. Geographical limits are one of the causes. But the strongest of all is identity of political antecedents, the possession of a national history and consequent community of recollections, collective pride and humiliation, pleasure and regret, connected with the same incidents in the past." [1]

6. (*b*) *Natural and Positive.* We now come to a more important division. International law may be either natural or positive. The two differ in origin and character.

By *natural* law we mean the eternal law of God expressed by man's conscience. It consists in practical judgments by which we recognize that we are bound to do good and avoid evil. It does not depend upon divine revelation, but is manifested by the light of nature. It supplies those general principles of right and justice (*e.g.* Thou shalt not steal, Promises must be kept, etc.) which are the basis of international law.

Positive international law is the result of agreement or custom. It is based on *contract*, implicit or explicit.

By "international law" is generally meant nowadays this positive law, this body of contracts between States.

Positive law may, of course, simply *repeat* what is already a dictate of the natural law. Men may make a contract to do something which they are already bound to do in conscience.

But besides this, positive law *supplements* the natural law either by making it more precise or by adding to it:

By making it more precise, for the dictates of natural law are often too vague to serve as

[1] *Representative Government*, chap. xvi. See also *The War and Democracy*, pp. 18–22.

a complete guide to action in a complicated world.

Thus, the natural law prescribes that prisoners of war are to be treated with humanity. Positive law (The Hague regulations of 1907) prescribes that they are to be fed, lodged, and clothed on the same footing as the troops of their captors.

By adding to it. Positive law may command or forbid actions which by mere natural law are neither good nor bad in themselves.

There should, of course, be no contradiction between natural law and positive law: in the latter the human legislator makes more precise the general dictates of the natural law or provides for the general good in the spirit of that law.

There is, then, a *connexion* between international law (in the sense of positive contracts made between States) and international morality (the dictates of conscience). For even when a contract has been made, its binding force must *ultimately* be derived from the natural law which prescribes the keeping of contracts (n. 8).

Yet there are also very important differences between international law (as commonly understood) and international morality. For instance:

(1) The agreements actually made between States do not exhaust the moral duties of States, any more than the law of the land comprises all the moral duties of the citizen. I may be bound in conscience to perform certain actions which are not enjoined by the law of the land. While moral principles remain unchanged, their embodiment in agreements changes with the growth of opinion.

(2) As Mr. Balfour pointed out in his statement on the Allies' blockade of Germany, the obligation

of international morality is absolute, but the obligation of international law is conditional, one of its conditions being reciprocity.[1]

(3) The clear dictates of the moral law are binding on conscience apart from any contract. But for further supplementing of the moral law and the defining of the relations between States, there is need of positive *contracts*. For although the term "international law" may be justified, we must remember that such law, unlike the law of the land, has neither human lawgiver nor human sanction. The obligation of international agreement, whatever else one may say about it, is the obligation of *contract*, and is morally binding as such.

Another difference between international laws and laws strictly so called is seen in the fact that the former, as we have just seen, depend upon reciprocity, while the latter do not. If another citizen violates my rights I can have the law on him, but I am not freed from the obligation of observing the laws myself.

Hence the great importance of actual contracts between States as such. But with the study of these contracts in themselves we are not chiefly concerned in this Primer: they will be found discussed at length in the innumerable books on international law. Our subject is rather that of international morality—the main dictates of conscience with regard to international dealings, and the moral aspect of such agreements as men may find it desirable to make. Our point of view is that of the moral philosopher rather than of the lawyer or the canonist. Our study is the moral right expressed in rules[2] rather than the rules themselves.

[1] *The Times*, March 29, 1915 (and *see* n. 31).
[2] *Cf.* the Continental terms *recht*, *droit*.

Our first task is to show that the dictates of morality bind States as well as individuals.

(B) THE EXISTENCE OF NATURAL RIGHTS AND DUTIES BETWEEN STATES

That natural rights and duties exist between States is proved as follows:

I. *From the fact that States are moral persons.*

7. When a number of individual men are brought together there at once arise between them various moral rights and duties, independently of any compact or agreement. They have the duty of not killing one another, of not stealing from one another, of not lying to one another. All are bound to help one another in difficulties, to love one another. Similarly each has the right of not being murdered, robbed or deceived, of being helped in grave difficulty and treated with respect and love. There is no need of a formal agreement in the matter. There is no need for them to belong to the same Trade Union or go to the same Church. They may differ in race and customs, creed and politics. Their mutual rights and duties spring from the fact that they have something *in common*, viz. their human nature. "The man's the gowd for a' that." There is a bond of union between them which is not of their own making.

It is the same when *States* find themselves in relation with one another. There at once arise certain rights and duties quite apart from any agreement or treaty. These rights and duties spring from something held *in common* by all States. They are all *moral persons*. Every State may be regarded as a reasonable being, a single rational

subject, organically made up of reasonable individuals united into a moral whole. The life and mind of a State is something more than the life and mind of any of the individuals who compose it. A State may do things which a private individual may not do on his own account, *e.g.* execute criminals, make laws.

By "moral person" we do not mean a person who is bound by the moral law, for all persons are so bound. We mean something distinct from a *physical* person (an individual man or woman). The term "moral person" is commonly applied nowadays to a number of people united for a common purpose (a State, a university, etc.).

We must not suppose that the rights or duties or mind or will of a "moral person" are *distinct* from the rights, duties, mind, and will of the individuals who compose it. They are the rights, etc., of those individuals, *possessed not separately but collectively*.[1]

As the term "moral person" is apt to cause confusion, a simpler proof would be as follows.

The moral law of God is universal: man is always bound by it in all the circumstances of life, for it is the law which binds him as a man, and he never ceases to be a man. Hence the moral law, or the Ten Commandments, bind man in his political as well as in his private life, in his international as well as in his social or commercial dealings. The fact that he combines with other men for a particular purpose does not absolve him from keeping the moral law. A man who steals my cow breaks the moral law whether he does it on his own account or on behalf of a company.

This point is well brought out by the American jurist, Chancellor Kent:

[1] *See* Vermeersch, *Quæstiones de Iustitia*, Q. xiv, *De persona morali in universum*, with bibliography. This notion of "moral personality" has sometimes been unduly pressed, partly owing to the influence of a false philosophy.

We ought not to separate the science of Public Law from that of Ethics, nor encourage the dangerous suggestion that governments are not so strictly bound by the obligations of truth, justice, and humanity in relation to other Powers as they are in the management of their own local concerns. States or bodies politic are to be considered as moral persons having a public will, capable and free to do right and wrong, inasmuch as they are *collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life.*[1]

II. *From the admitted existence of positive international law.*

8. Without natural law there could be no positive law. But the existence of positive law between States is admitted. Hence there must exist a natural law between States.

That positive law rests upon natural law is seen from a very simple consideration :

When one State makes an agreement with another it supposes the agreement to be binding. Otherwise such agreements would be waste of time. If treaties are mere " scraps of paper " to be broken at one's convenience, positive international law may be thrown on the scrap heap. It is only useful when it rests on the common admission that " agreements must be kept " : but to admit this is to admit the natural law, of which this principle is an essential part.

Objection. Two States may make an agreement and may agree to keep it, independently of the natural law. The whole transaction is thus one of positive law alone.

[1] *Commentaries*, vol. i, p. 2 (italics ours). For insistence on corporate responsibility, *see* Burke *passim*. There is a tendency for men to divest themselves of responsibility when acting with others. " Corporations," it is said, " have no conscience."

Answer. **Then what is to prevent them from breaking their agreement to keep the agreement ?**

III. *From natural needs.*

9. That which is necessary as a rule for the full development, material and spiritual, of mankind, is clearly intended and ordained by God, the Author of Nature, who, in His wisdom, would not implant in us needs that could not be satisfied. Now it is clear that States as a rule are not wholly self-sufficient. They need to enter into relations with other States (*e.g.* for commercial, scientific, and other purposes). Hence such relations are intended and ordained by God.

But these relations could not be firm and stable were not every State bound by the same moral law in its dealings with other States. The neglect of international morality, leads, as we see, to the breakdown of international relationships.

The Denial of a Natural Law between Nations

10. In its extreme form this denial takes the form of rejecting the natural law (in the sense above explained) altogether, whether for individuals or States. Others, while admitting the law of morality to apply to individuals, deny that it has any application to States. Others again, while admitting that States like individuals must be moral, deny that the natural law forms the basis of international law, properly so called, which they limit to positive law.

A few quotations may serve to illustrate these various forms of a widespread modern error :

"This law (the Christian law of love) can claim no significance for the relations of one country to another, since its application to politics would lead to a conflict of duties. . . . Christian morality is personal and social and in its nature cannot be political."—Bernhardi, *Germany and the Next War*, p. 29.

"Law and morality do not bind the will of the State. There is only one thing that hinders the State in its endeavours, and that is the fear of foreign power."—Adolf Lasson, *Princip und Zukunft des Völkerrechtes* (Berlin, 1871, p. 31).

"Between States as sovereign Powers there is no real place for law; but when States are clever and at the same time seek after what is expedient there arises, owing to their community of interests, a state of things which has a certain resemblance to the reign of law. . . . The State claims to observe the law of nations or not, according as it finds it to its interest."—*Ibid.*, *System der Rechtsphilosophie* (1882, p. 394).

"Of the classes of obligations which constitute private morals, only one, namely justice, has a place in public morals at all. And the sort of justice which finds place in public morals is totally different from the justice which relates to individuals; it consists mainly in moderation and kindly prudence."—Lord Lytton, Installation Address, Glasgow University, November 1888. (*See also* Hobbes' *Leviathan* and Machiavelli's *Prince*.)

Sources of the Modern Denial of International Natural Law

I. *Materialistic Theory and Practice.*

11. The denial of God naturally leads to the denial of the natural law instituted by God. One who refuses to admit the existence of a Supreme Being must, if consistent, deny the existence of moral obligation.

In particular the materialist can find no basis for international law whether public or private He must admit the need of at least external order

in the public and private relations of men: but he can only ascribe this order to the forces which rule the physical world, to the "law of the stronger." Might *is* right. This conclusion is frankly accepted by many modern writers. It is the necessary consequence of a materialistic theory of human evolution. (*See* n. 53.)

READINGS.—For proofs of the existence of God *see The Existence of God*, by Mgr. Moyes (Sands & Co., *6d.*); *Natural Theology*, by Bernard Boedder, S.J. (Longmans, 6*s*. 6*d.*); *The Existence of God*, by R. Clarke, S.J. (C.T.S., 6*d.*); *God or Chaos*, by R. Kane, S.J. (Washbourne, 5*s.*); *Theism*, by Dr. Flint (Blackwood, 7*s*. 6*d.*). *Also* the following penny pamphlets published by the Catholic Truth Society: *Agnosticism*, by John Gerard, S.J.; *Why I believe in God*, by A. E. Proctor; *What Men of Science say about God and Religion*, by the same.

For the authority of the natural law *see Moral Philosophy*, by Joseph Rickaby, S.J. (Longmans, 5*s.*); *Why should I be Moral?* by Ernest Hull, S.J. (Sands and Co., 6*d.*).

II. *The Exaggerated Importance given to "Positive Methods" by Modern Students of International Law*

12. Many modern writers wish to limit international law to the actual usages and agreements found between nations. They say that it is concerned with what *has been* and what *is*, and not with what ought to be. Their method is historical and inductive.

This tendency to exaggerate the importance of positive law to the exclusion or at least to the prejudice of natural law is found in various degrees among modern writers. Thus we have:

(1) Those who deny the existence of natural law and hence, if they admit a real international

law at all, confine it to positive law (*e.g.* Materialists, Hobbes).

(2) Those who admit the existence of a natural law for individuals but not for States (*e.g.* Bernhardi, Lasson, above quoted).

(3) Those who contend that the same law of morality does not apply to individuals and States (*e.g.* Lord Lytton, quoted above).

(4) Those who admit the existence and influence of the natural law in international relationships, but deny that it enters into the science of international law properly so called, or unduly limit its part therein—for reasons which will be discussed presently (*e.g.* a large number of modern writers on international law).

Thus it would not be fair to put in the same class all who exaggerate the importance of positive methods. Some of them are staunch upholders of the moral law : some are not.

With regard to the first three groups of writers we have seen :

(1) that without natural law there could be no positive law (n. 8) ;

(2) that the relations between States are regulated by natural law (nn. 7–9) ;

(3) which is the same law as that which regulates the relations between individuals (n. 7).

As against the fourth group we claim that the natural law forms a constituent and important part of international law. This is proved as follows :

(*a*) *From the Unscientific Character of Purely Positive Methods.*

If there is to be a genuine science of international law, it must include the natural law. A purely positive method " almost takes away

scientific character from the subject matter to which it is applied. . . . If international law were not made up of rules for which reasons could be given, satisfactory to man's intellectual and moral nature ; if it were not built on principles of right ; it would be even less of a science than is the code which governs the actions of polite society."[1]

(*b*) *From the Overwhelming Testimony of Mankind.*

"This (positive) philosophy of law" writes Theodore Meyer, S.J. "is, alas ! very widespread in Germany to-day,"[2] and its advocates are found in all countries. Yet it is contrary to the main stream of European thought for many centuries. It is condemned by leading authorities to-day, and it is meeting with an increasing measure of opposition from enlightened democracies.

Two Objections : (1) The Law of Nature is too vague and controvertible to form any part of international science. "Those who believe in it differ greatly as to the character and commands of the so-called Law of Nature."[3]

Answer. Foolish things have been said about the Law of Nature as about everything else. But its general character has been always recognized, and Catholic philosophers in the course of centuries have built up an elaborate and scientific system of it.

As to its alleged vagueness, we admit that it needs to be supplemented by positive law. Yet it supplies main principles, the authority of which cannot be questioned and the importance of which cannot be exaggerated. The apparent

[1] Woolsey, *International Law*, p. 13.
[2] *Instit. Iuris Naturalis*, vol. ii, p. 741.
[3] Lawrence, *Handbook*, p. 6.

differences found in the writings of responsible authors are mainly differences of division and arrangement. (*See* n. 23.)

The universal moral law, says Sir Edward Creasy,[1] supplies the general principles of Right and Justice which form so important a part of the Law of Nations:

> It supplies us, moreover, with principles of interpretation, by which we may decipher the meaning which ought to be given to the numerous difficult passages of positive law. It imbues the jurist with the spirit in which positive law should be studied. It shows the legislator and the statesman what ideals of excellence should be aimed at as models when positive law is altered or supplemented.

(2) The natural law is not a matter of practical politics. "States generally appeal in their controversies, not to innate principles and absolute rights, but to rules which can be proved to have been acted upon previously in similar circumstances by all or most civilized nations." [2]

Answer. States do, in important matters, ultimately appeal to the natural law—to "innate principles and absolute rights." This is at the back of their appeal to custom—for custom illustrates the natural law. In defending the neutrality of Belgium, England did not say, "I find that it has been the custom of civilized nations to observe treaties, therefore I will observe this treaty" The appeal was to the eternal law of keeping faith.

Note that by purely positive methods we could never arrive at the conclusion "treaties must be kept." We could not even arrive at the conclusion "treaties have always been kept"—for sometimes they have not. A

[1] *First Platform of International Law*, pp. 30, 31.
[2] Lawrence, *loc. cit.*, p. 6.

method which can only tell us that " treaties have sometimes been kept " will not suffice for the founding of an international law likely to commend itself to the normal man.

Yet we must not go to the other extreme and undervalue *positive methods* in the study of international law. Just as the practice of good men gives us guidance in ethics, so the practice of good statesmen gives us guidance in international law. Again, it is absolutely necessary to supplement the general dictates of the natural law by precise provisions.

For the *sources* of international law, *see* any of the manuals on the subject.

III. *A Mistaken Appeal to History*

13. Others who wish to reduce all international law to positive law argue as follows .

Highly cultivated peoples before the time of Christ, such as the Greeks and the Romans, knew nothing in theory or practice about international morality. To the ancient Greek every non-Greek or " barbarian " was an enemy, and almost any effective means of conquering him was admitted. Again, the Greeks, who sought to treat every variety of human knowledge scientifically, never made any attempt to establish a science of international law. It is only after the Christian religion had become widespread and taken deep root that we find Christian philosophers and theologians laying the foundations of a science of international morality. In doing so they appeal chiefly to the positive law of Christ and not to any natural law discoverable by human reason. Hence international law is seen to be positive law after all.

Answer. It is quite true that the obligations of international morality were recognized and practised more perfectly after the time of Christ

than before. But the same is true of the obligations of personal morality, which, though they existed before the time of Christ, were more deeply impressed upon men's minds by His teaching. Our Lord not only revealed supernatural truth but He also reinforced the natural law which, owing to the prevalence of sin, had become obscured. He not only showed men new truths which their reason could never have discovered, but He also helped them to see more clearly the old truths discoverable by the light of reason.

The obscurity which had beset the natural law was particularly marked in the case of international obligations, for the practice of polytheism (the worship of many gods) had led men to forget the unity of the human race. Ignoring the Fatherhood of the one true God, they ignored the brotherhood of man. Consequently they had no basis for a science of international law.

Hence, although international obligations were more clearly recognized after Christ than before, it does not follow that they rest solely on His positive teaching. They remain what they were before—matters of natural knowledge, arrived at by reason.

We may add that the Greeks had, as a matter of fact, some rudimentary notions of international law, at least among themselves. There were certain recognized obligations between Greek States such as respect for heralds and ambassadors, truces, etc. They observed rules with regard to the burial of the dead after a battle. The Amphictyonic Council united various States in common deliberation, and a maritime code, called the Laws of the

Rhodians, was obeyed wherever Greek commerce extended.

As regards the Roman Empire by conquering the world it left little room for international law which supposes the existence of independent States. But philosophical writers like Cicero and the Stoics recognized the existence of universal obligation of morality, and there are some traces of a "law of war" among the Romans.[1]

It is an exaggeration and an error to assert, as some have asserted, that there is no valid international law beyond Christendom, or that there was no general valid international law in existence before the times of Christianity. These two propositions are involved one with another and must stand or fall together. The question of their truth is no mere speculative question. It affects the dealings of nearly all the European States, and of the States founded by European settlers in America, with nearly all the nations of the rest of the world. It is pre-eminently a practical question for members of the British Empire.[2]

(C) THE CHARACTER OF THE NATURAL RIGHTS AND DUTIES EXISTING BETWEEN STATES

14. Natural rights and duties existing between States reside in the supreme authority of each State: in the head of each State as representing the whole body.

They are divided into two classes:

(1) *Original* or *innate* rights and duties which

[1] For international relations among the Greeks and Romans *see* Kent (ed. Abdy), pp. 9–20, and Lawrence (*Principles*), pp. 28–30. Also *International Arbitration amongst the Greeks*, by Marcus N. Tod (Oxford Press, 1913), 8*s*. 6*d*.

[2] Sir E. Creasy, *First Platform*, pp. 27, 28.

arise immediately from the fact that a State is a moral person. They are also called *common*, because possessed by all States in an equal degree; *primary*, because first in time and importance; *absolute*, because not depending upon circumstances or conditions.

(2) *Acquired* rights and duties which are contracted in special circumstances. They are also called *secondary*, *particular*, or *conditional*.

Distinguish from the above the division into *perfect* rights and *imperfect* rights. A *perfect* right is one which is sanctioned by positive law: an *imperfect* right is one which is not sanctioned by positive law. Hence this book is largely concerned with *imperfect* rights, but the term does not mean that the rights in question are not completely binding.

Both classes of rights and duties depend upon actual facts—but upon different kinds of facts.

Thus a man, by the fact that he is a man, has a right to live, to acquire food, clothes and housing, and to marry. But the fact that he is a man does not give him a right to eat any food he sees or to marry any girl he likes: these particular rights depend on further facts, *e.g.* that he has bought the food or obtained the consent of the girl.

In the same way the right to independence comes to a State because it is a State: the right to trade with a neighbouring State comes to it on account of an agreement with that State.

All sovereign States are equal as regards original rights (*e.g.* all are equal in independence) but not in secondary rights (*e.g.* in the extent of their power, territory or influence).

See Westlake, *Chapters on the Principles of International Law*, chap. vii, *The Equality and Independence of States*; Lawrence, *Handbook*, pp. 74–76; Walker, *Manual of Public International Law*, Part II, chap. i.

(1) Original Rights and Duties of States towards Each Other

(A) *Original Duties*

15. The original or absolute duties of States towards one another may be resolved into duties of *Justice* and duties of *Charity*.

Justice means respect for the *strict rights* of others.

Charity means giving to others help to which they have not the same sort of right. Both are based on the *community of nature* of all men or of states. Charity regards rather the *brotherhood* of men, justice their *equality*.

The duties of justice are chiefly negative and determined. They are strictly binding, always, in every case, and towards everybody. They confer a *right* on the other party: if they are violated there is an obligation to make *restitution*. Thus if I owe a man money I must pay it exactly and at the appointed time: he has a right to it. If a State acts unjustly to another State it must make restitution.

The duties of charity are chiefly positive and indetermined. They prescribe some action but do not oblige always nor in every case. They involve no obligation to *restitution*. Thus alms-giving is an obligation of charity, but no amount or time is fixed and no particular poor man ordinarily has a strict right to any alms. Charity enjoins that one State should help another in its difficulties (*e.g.* famine or earthquake). But if the duty is omitted there is no obligation afterward to make restitution.

Note that there may be positive duties of justice and

negative duties of charity. Also that justice and charity, though distinct, are complementary. Both may be of strict obligation, though the obligation is of a different kind. (For Charity *see* Mgr. Parkinson's *Primer of Social Science*, pp. 227–231.)

We may include all duties of charity and of justice in the natural precept of *loving our neighbour*, which applies to States as well as to individuals. The precept is partly negative (forbidding injustice, hate, etc.) and partly positive (enjoining acts of well doing). It may be summed up in the double rule:

Do not do to others what you would not wish them to do to you.
Do to others as you would wish them to do to you.

To observe this rule (especially in its negative aspect) is to observe all the duties of justice. It is of course assumed that the "wish" in question is a reasonable and enlightened wish.

International law is chiefly concerned with obligations of *justice* involving the *strict rights* of others (the observance of treaties, agreements, etc.). As we shall see there is not so much scope for charitable action between States as between individuals, though there is a large field for what is called "the comity of nations"—the friendly and considerate treatment of States by one another in matters which do not involve strict rights in justice, and could not rightly be made a *casus belli* or matter for war (*i.e.* apart from agreements, of which many touch this matter).

In practice it is not always easy to distinguish between duties of charity and those of justice. The term "Justice" has sometimes been employed (as by Aristotle) to include *all* duties to

our fellow men, thus making it equivalent to "Charity" in the wider sense indicated above.

Both charity and justice are required in international relations, and we need not be at too great pains to distinguish them. The point to notice is that certain obligations between States are not mere matters of seemliness or politeness, but *strict duties.*

The word "Charity" to modern ears may suggest something *optional*, something which is desirable and creditable, no doubt, but is not a matter of duty. For this reason some have preferred to base international morality upon the law of justice rather than upon that of charity. But (unless we are to take justice in the Aristotelian sense of *all* duties towards others), this would be to omit many of those duties which, though the breach of them does not involve the duty of restitution, may nevertheless be of strict moral obligation.

A somewhat similar distinction has been made in international law by Grotius and others between legal rights which are held to be enforceable and are more or less duly exacted, and merely "moral" rights or claims which are properly urged but are not commonly felt to be enforceable. As the public conscience develops, mere moral claims may also become legal or jural rights, much as, in a particular State, what was formerly a duty of charity may become a duty of justice (*e.g.* an ordinary citizen is not bound in *justice* to prevent a criminal from wrongdoing; but when he becomes a policeman he is so bound).[1]

States have the Duty of Loving One Another

16. *Proof I.* The reason why individuals are bound to love one another is because they all

[1] *See* Westlake, *Int. Law,* pp. 2, 3, 13, 48–49.

have the same human nature which, in a sense, makes them one. Reason reveals the community between them.

Instinct points the same way. "Likeness is, properly speaking, the cause of love," says St. Thomas.[1] We find a second self in those who resemble us and wish them well as we wish ourselves well.

Now in the same way different States resemble one another in being *moral persons*. Hence they have something in common, something which naturally unites them. Each may see in the other a reflection of itself Each is developed by loving others, as the individual finds his own development in loving others. Hatred and suspicion prevent that knowledge of other nations which is necessary for the understanding of our own. To love other nations therefore is a dictate of reason and part of the natural law.

Proof II. Again, the basis of natural love is intellectual appreciation. When we see an object to be worthy of our love, we naturally love it: for by love we do not mean mere animal passion.

Now when a nation looks at other nations it has the same reason for loving them that a man has for loving his brother. It will say to itself, if it is reasonable: "A nation or a State is a noble thing: it is entitled to respect. Other States, like my own, have a high mission given to them by God—to care for the general good. Other States stand to God in the same essential relation as does my own State. God is our common Father and Lord. It is reasonable that we should love one another"

Proof III The law of charity or love is uni-

[1] I, II, q. 27, a. 3.

versal. Man has reason for loving his fellow man, always and everywhere. Hence the men grouped in one civil society have reason for loving the men grouped in another civil society, precisely because they are men. What is essentially true of individual men must be essentially true of a group of men.

The truth of the "brotherhood of man" proclaimed by the pagan Stoics has been reinforced by Christianity, which provides higher and stronger motives for universal love than unaided human reason could suggest.

Some Notes on this Doctrine

17. (I) States, like individuals, are bound by the natural law to "love their neighbours as themselves." But this does not mean that we are bound to love others as *intensely* as we love ourselves, or to love other nations as *intensely* as we do our own. On the contrary there is a sound proverb that "charity begins at home," and moreover we are bound by the natural law to love some more intensely than others (parents more than strangers, kinsfolk more than foreigners, etc.). What the precept of loving others as ourselves means is that we have the same *reason* for loving both (viz. our common nature) and must love them in the same way though not to the same degree.

Again, we must notice that though the precept of loving others applies to States as well as to individuals, it does not oblige us to precisely the same duties in the two cases. Thus one individual will naturally on occasions show his love for another by making sacrifices for him, *e.g.* by

giving up some of his property for him. An individual may do this because he is disposing of what is his own. But the Government of the State may not act thus freely for the benefit of another State, since the primary duty of a Government is to look after the interests of those it represents: it holds property in their behalf and may not, to their prejudice, bestow it on others. Another difference between the application of the natural law to individuals and to States is that the State has *no future life* Its existence and activity are limited to this world. It aims at the material and temporal welfare of its subjects, in due subordination, of course, to man's ultimate destiny. The State has no superior on earth, and thus has no scope for such duties as those of obedience or filial piety. Moreover the State, being incapable of evangelical perfection, is not amenable to the Counsels. "Sell all that thou hast," "Turn the other cheek," and similar Counsels of Christ are, of their nature, less applicable to Governments. [*See* n. 62.]

(2) It is important to remember that we have the duty of loving our enemies *even during the time of war*, at all events negatively. We must on no account treat them unjustly in thought, word or deed. This is a stringent moral precept, but one which is too often thrown to the winds during conflicts between States. Few things are more deplorable than the torrent of hatred fostered by a considerable section of the Press in all countries on such occasions.

Note, however, that this duty of loving those with whom we are at war—

(*a*) Need not deter us from asserting our just

rights and using every legitimate means of securing victory. Just as the precept of charity does not forbid the individual to appeal to the law against one who has wronged him, so it does not usually require a Government to "turn the other cheek"; for this Counsel, as we have seen, is less applicable to a Government which acts on behalf of its subjects than to an individual who is acting merely for himself.

(*b*) Nor need the precept of charity make us hesitate to pray for the material success of our arms in a just cause. That such prayers should be offered by both sides need cause no perplexity, and shows no lack of true religious feeling. On the contrary, both parties supposing their cause to be just, the conflict of prayer really points to a deep-lying unity, an allegiance to what is right, which is the best guarantee of future peace when misunderstandings have been cleared away. But since men are apt to be prejudiced in judging their cause to be just, the best thing is for both sides to pray for *what God sees to be a just peace.*

(*c*) And, finally, the precept of charity does not forbid righteous indignation at the crimes committed by an enemy. These must not be exaggerated, but there is no need to shut one's eyes to them. They should be denounced and punished, not gloated over, nor used as fuel for undiscriminating hatred or pharisaical self-laudation. Remembering our common human nature we should view them with shame as well as anger.

It is in this matter especially that there is urgent need for a better understanding and practice of Christian teaching. Hatred in all the belligerent countries, including our own, has run to deplorable lengths. Something must be allowed for ebullitions of a public senti-

ment exasperated by tales of brutality; and some of those who have endeavoured to recall men's minds to a sense of fairness have made matters worse by attempting to palliate the indefensible. But when all allowance has been made, we must recognize that there has been in this country, to go no further (and it is more profitable to examine our own consciences than other people's), a flood of distinctly unchristian speech. That hatred of *persons* is unchristian, there can be no manner of doubt. Unlike "righteous indignation," hatred blunts the moral sense and degrades and weakens the national spirit. Hatred differs from anger. "Hatred wishes evil to a man as it is evil, anger as it is just. Hatred is a chronic affection, anger an acute one. . . . At a certain point of suffering anger stops, and is appeased when full satisfaction seems to have been made; but an enemy is implacable and insatiate in his desire of your harm." [1]

International hatred is naturally apt to be most rampant when international relations are strained or broken. But even in time of peace economic rivalries, racial peculiarities, national habits and ideals, and so forth, tend to produce a mutual dislike which may easily harden into hatred. The difficulty of loving the "foreigner" is a genuine one. Without the aid of supernatural considerations it is practically an insuperable one. The equalitarian ideals of Liberalism have to contend with the very difficulties which lead men to declare the Sermon on the Mount to be impracticable; but whereas Liberalism ignores the difficulties, Christianity faces them and provides a remedy for them. The colour barrier *is* a barrier from every outlook save that of Christianity; and even within the great white family differences of temperament or custom will sever men who are not united in Christ.

[1] Rickaby, *Moral Philosophy*, p. 63.

(3) *Positive Duties of Charity.* These bind States as well as individuals. True, they are not always embodied in positive law (and so cannot be legitimately enforced by civil authority), but this is true in the case of individuals also. A State is in general bound to wish well to other States, though, as has been said, its duty to its own people may prevent it in particular cases from giving material assistance to other States. Thus, for example, a State whose aid is invoked by a neighbour against a powerful and aggressive third State must (in the absence of any positive agreement) consider not only the promptings of charity but the interests of its own subjects. Nevertheless in such cases account must be taken not only of financial or material interests but of humanity and honour. Sordid self-interest is not the highest motive for States any more than it is for individuals.

(4) *National egoism* is as contrary to the moral law as individual egoism or self-love. No State may live for itself alone, entirely disregarding other States or regarding them merely as means to its own advancement. The worship of nationality has been carried in these days to ridiculous and dangerous lengths, and there has grown up in different States a spirit of "Jingoism" or "Chauvinism" or "Spread-Eagleism," which despises and condemns everything foreign.[1]

[1] The term "Jingoism," meaning aggressive patriotism, was taken from a popular song in 1877, "We don't want to fight, but, by Jingo, if we do," etc. "Chauvinism," its French equivalent, originally signified idolatry of Napoleon. Nicolas Chauvin, a wounded veteran, was an enthusiastic admirer of the emperor. "Spread-Eagleism" has been applied to ultra-patriotic oratory in the United States, the eagle displayed or "spread" being a feature of the arms of the Republic.

(B) *Original Rights.*

18. A properly constituted State, as we have seen, has certain original or absolute rights—rights which do not depend upon circumstances but belong to a State because it is a State. Because the State is a supreme society it has the right so to act and to be treated: to express itself as a distinct whole, to live its own life, to have its "place in the sun."

For civil society is not a mere chance collection of men, but is a natural supreme society, sanctioned by God Himself. Hence God must sanction whatever is necessary for its integrity and proper development.[1]

The original rights of a State against other States may be summed up as follows:

i. The right of self-preservation and development.

ii. The right of ownership and jurisdiction.

iii. The right of independence.

I. *The Right of Self-preservation and Development by all Legitimate Means.*

19. Every person (individual or moral) has such a right, for man has a moral claim to what nature clearly demands.[2]

(i) *The Right of Self-preservation.* This includes the right of the State to defend itself against hostile aggression. And since the preservation of the State is for the good of the whole body of its members (in the promoting of which all are bound to co-operate), the Government may demand the assistance of any citizen in the national defence.

[1] See *Political and Moral Essays*, by Joseph Rickaby, S.J., pp. 5, 6; *A Primer of Social Science*, by Mgr. Parkinson, pp. 48–58.

[2] *See* Mgr. Parkinson's *Primer of Social Science*, pp. 31, 32.

The self-preservation of civil society includes two things:

(*a*) The preservation of the *lives* and *property* of the citizens. Hence a State has the right to demand satisfaction from other States by whom its citizens have been ill-treated in person or property. This right must not be unduly pressed into the claim by a State for special treatment on all occasions for its subjects residing in other States.[1]

Under the same heading we may include the right to be treated with *respect* by other States. Every public personality may claim and defend this right to respect from others. Hence a State may require that its Government and its accredited representatives be treated with due external honour by other States and Governments, and still more, that they be protected from insult.

So far the natural law carries us. The precise rights of diplomacy, the precedence and immunities of diplomatic representatives, &c., are matters to be settled by custom and positive agreement.

(*b*) The preservation of that *stable moral unity* which makes the State one moral person. Were that unity lost (even though no citizen suffered physical damage) the State would cease to be a State. For the life of a State is its unity, and its vigour depends upon the peace and concord between the Government and the citizens as well as between the citizens themselves. Hence a Government has the right to repress (with vigour, but with justice and prudence) popular dissensions, risings and tumults which threaten civil

[1] *See* Hobson's *Imperialism*, p. 317.

unity; and it may vindicate that right against other States.

(ii) *The Right to Development.* This undoubted right needs very careful statement or it may be confused with the immoral claims sometimes made by nations to expand and develop in any direction and by any means, irrespective of the rights of others.

The development to which a State has a right is the development which tends to make civil well-being more secure, abundant, and widespread. A State is entitled to that development which makes it a better State, *with due regard to the rights of its neighbours.*

Thus measures must be taken to secure for the citizens an abundance of those *natural goods* which are necessary for human welfare. Not only must the various kinds of *productive labour* within the State be protected and encouraged, but steps must be taken to facilitate *international exchange* by means of treaties.[1] We may include here the *acquisition of fresh territory* according to need. But such acquisition must conform to the laws of justice (*see* n. 24), and we must avoid the mistake of supposing that a State necessarily becomes better by becoming larger.

It is of the greatest importance for international peace that States should have right ideas as to what constitutes true civic well-being. Men are generally led by their interests, and if they are to be led aright they must learn to cultivate worthy interests and to subordinate lower interests to higher. Many modern wars have been the outcome of personal ambition on the part of

[1] This must not be taken as a moral condemnation of tariffs, etc.

rulers, of pressure from an irresponsible few; the bulk of the people (whose welfare should have been considered first) have been the sufferers.

Two Errors

20. We may here note two very widespread and pernicious errors which receive consideration elsewhere.

(1) It is maintained (explicitly or implicitly) that *might is right:* that the power to absorb, annex, or crush other States confers the right to do so: and even that the exercise of such power is the fulfilment of a special mission given to a nation by God Himself.

Answer. (*See* nn. 24, 53.)

(2) Another error springs from the false assumption that the only basis of *nationality* is *racial unity*, and holds that all rights acquired and settlements made in the past must give way before the *right of political unity between those of the same race.*

Answer. (*a*) The mere fact that some of the subjects of two different States happen to belong to the same race does not warrant their withdrawing their allegiance in order to form a third State on racial lines. Racial ties may *point to* desirable State-boundaries in case of readjustments: but they cannot override existing rights. As we have seen, racial unity is not the same thing as national unity.

(*b*) " One race, one State " is an impracticable ideal since races are so hopelessly intermingled.

II. *The Right to Ownership and Jurisdiction.*

21. These rights are obviously required for the

existence and activity of the State as a supreme society.

There are two kinds of natural ownership vested in the State:

(1) The possession of land, buildings, capital, etc., for the public service. This does not differ in nature from private ownership. The goods in question really *belong to* the State.

(2) The right of civil society (represented by the Government) to its own territory, a right which is called *dominium eminens* or Paramount Right of Property.

This is not strictly ownership nor does it conflict with private ownership. It is a *remote* and *indirect* right: *remote* because it is in nature and origin secondary to the right of private ownership, just as civil society is secondary to the family. It is *indirect* because founded not on any of the usual titles to property but upon the *jurisdiction* of the State. Private property does not belong to the public but is subordinate to public needs.[1]

III. *The Right of External Liberty and Independence.*

22. This right, too, follows from the right of political personality. Just as an individual, considered in the abstract, although subject to legitimate authority, has a right to live his own life unhindered by the will of another, so a State has the right not to be interfered with arbitrarily by other States. The State is, of course, always subject to the moral law and to the claims of social justice; but no other nation may attempt to impede or control it without a *clear right* to do so—a right which,

[1] *Cf.* St. Thomas, I, II, q. 96, a. 4.

in each case, cannot be assumed but must be proved.

In other words, every fully constituted State is supreme or sovereign or autocentric, and in this respect all States are equal.[1]

Intervention. At this point a difficulty will arise. If all States claim independence in their external as well as in their internal affairs, how can we ever justify *intervention* or the action by which one State seeks to compel, by force or threat, another State to act in a particular way.

The answer is that the right to independence is naturally subordinate in certain circumstances to the right of intervention possessed by other States. Analogously, a citizen's right to liberty is subordinated to the State's right to put him in prison if he commits a crime.

We must distinguish between intervention in the *internal* affairs of other States and intervention in their *external* action. The former is a more serious infringement of their liberties and hence requires more serious reasons to justify it.

The chief *conditions* of just intervention may now be considered:

(1) Intervention is clearly allowed to a State in defence of its own just rights. A State, like an individual, may defend its just rights by physical force if necessary. This constitutes the normal motive for a just war and is considered at length in Part II (nn. 41–43).

"The requirements of self-defence," says Walker (§ 7), "furnish the only legally sufficient ground for foreign intervention." To this ground, States, as a

[1] *See* Westlake, *Chapters*, chap. viii, pp. 110–120; Walker, *Manual*, part II, chap. i; Lawrence, *Handbook*, part II, chap. i (A).

matter of fact, generally appeal, disclaiming in their State Papers all wish to interfere with the affairs of any independent State but pointing out that their intervention is required in self-defence. "No Government," said Chateaubriand, defending the French intervention in Spain in 1823, "has a right to interfere in the affairs of another Government, except in the case where the security and immediate interests of the first Government are compromised."

F. E. Smith thinks that intervention may be defended on two occasions only, viz. (1) when it is made necessary by self-preservation and (2) when it is undertaken by the general body of Powers. But he admits that "international law is at its weakest and its writers are least convincing on the subject of intervention." [1]

(2) Intervention may be justified and required by the natural duty of love and well-doing referred to above, especially when a neighbouring State is in grave difficulties and asks for assistance against unjust aggression.

This right may be illustrated from the relations of individuals. Sound morality allows me the right of self-defence when I am unjustly attacked: charity prompts me to help others who are attacked unjustly. If, having the means to do so, I refuse to use them, I should offend against common humanity (though not strictly against justice, unless there were some special relation of justice, such as kindred or guardianship, between me and the victim). So it is with those moral entities called Sovereign States. Each is entitled, and, given due occasion, bound in charity to help its neighbour in case of unjust aggression; more especially if the country attacked asks for intervention, though, of course, not against that country's will.

[1] *International Law*, pp. 49, 50.

The fulfilment of the duties of friendship, whether natural or supported by express treaty, may constitute a sound justification for intervention to protect against foreign force but not for intervention in merely internal affairs.[1]

This is so obviously a dictate of common humanity that Pope Pius IX did not hesitate to condemn the denial of it as wholly immoral.[2]

(3) A more delicate question arises when a State is called upon to intervene in the domestic affairs of another State, the citizens of which are being oppressed by a tyrannical Government or faction that has usurped supreme power. Clearly

[1] Walker, *loc. cit.*, § 6a.

[2] In the *Syllabus of Condemned Propositions* issued in 1864, the 62nd proposition reads: "The principle styled non-intervention is one to be proclaimed and put in practice." The right of intervention here vindicated by the Pope in certain circumstances is, of course, limited by various pre-supposed conditions: the need must be real, the intervention likely to be effective, and asked for or at least not unwelcome, the intention inspired by charity or justice. There is an obvious mean between selfish isolation and indiscriminate meddling.

"The doctrine of absolute non-intervention resulted from too great a reaction against the practice of indiscriminate intervention. It is really based upon the assumption that a State has no duties to other States and to the great family of nations, a proposition which seems to carry with it its own condemnation." (Lawrence, *Handbook*, p. 45.)

Lord Ripon pointed out that the Pope's condemnation of non-intervention was "in complete accord with public opinion in this country. For shortly after the publication of the *Syllabus* his judgment found no uncertain echo in the House of Lords. And only quite lately the conduct of our Government in view of the difficulties which had arisen between Greece and Turkey confirmed the justice of his censure." (*The Month*, May 1869, p. 455.)

See Creasy, *First Platform*, pp. 44–48, where he lays much stress on the principles that a serious wrong done to one State is a wrong done to all, which all should join in redressing. He also quotes striking passages to the same effect from Grotius and Vattel. Also Hall, *International Law*, § 92.

the injustice must be very real and very great, and the motive of humanity must be beyond suspicion to warrant an interference which so seriously infringes the independent jurisdiction of Sovereign States. But if the oppression or misgovernment is carried to such lengths as to give the subjects the *right* to rebel, then it cannot be wrong to help them.

Grotius admits this (vol. ii, p. 438). Mackintosh states broadly that "wherever war is justifiable it is lawful to call in auxiliaries" (*Review of the Causes of the Revolution of* 1688, chap. ix). Woolsey (§ 42) denies the right to assist rebels on the ground that if the existence and sovereignty of a State are once acknowledged nothing may be done to impair them.

No less delicate is the question of the right to intervene in favour of established Governments threatened by revolt.

"There is nothing in the law of nations," says Woolsey (*loc. cit.*), "which forbids one nation to render assistance to the established Government in such cases of revolt, if its assistance is invoked. This aid is no interference, and it is given to keep up the present order of things, which international law takes under its protection."

On the other hand, as Westlake points out: [1]

The international society to which we belong is not one for the mutual insurance of established Governments, though from time to time attempts have been made to work it as such. . . . States alone are regarded in it, not Governments or sovereigns for their own sake.

The *mere invitation* to assist one party (whether Government or rebels) in a civil faction does not confer the moral right to do so. Aid may only be given to the party which clearly has justice

[1] Pp. 122, 58.

on its side and whose rights are being violated.[1]

(4) Another question is whether civilized States may, uninvited, intervene to put down by force crimes against the natural law (such as cannibalism, human sacrifices, etc.) widely practised by other States, just as an individual citizen may restrain another from suicide or murder.

The right of intervention in such cases needs very careful scrutiny. Before such a step can be justly taken, the offence must be proved to be rank, widespread, encouraged or condoned by rulers, practically irremediable by less violent methods, and in some way injurious to other States. This last condition is more likely to be fulfilled in these days when nations are so closely linked together by commerce and intercourse.

Most mediæval theologians (in opposition to certain canonists) held that crimes among barbarous peoples against the natural law did *not* constitute a just cause of war or give a title for the annexation of territory. But they added that intervention was justified when the Governments of barbarous nations habitually violated the natural law in their dealings with their subjects.

Thus Vittoria rejected the title to the conquest of the Indians put forward by the Spaniards, viz. that the Indians committed crimes against the natural law (*see* n. 115).[2]

Theologians agree that the motive of converting infidels

[1] So Vattel, book I, chap. iv. Modern writers on international law hold a bewildering diversity of opinions, while the tendency of practice is to "back the winner." *See* Hall, *Int. Law*, p. 268; Halleck, *Int. Law*, chap. iii; F. E. Smith, *Int. Law*, p. 58.

[2] For the mediæval theologians, *see* Vittoria, *de Indis*, ii, 16; Suarez, *de Iustitia et Iure*, iii, disp. 13, par. 5, and the references and quotations given in Vanderpol, *Le Droit de Guerre*, pp. 161 ff. and *L'Église et la Guerre*: *de Indis*, p. 7.

to Christianity can never constitute a just cause for war or give a title to occupation of territory.

On such cases of intervention international law again speaks with an uncertain voice and is not seldom in conflict with moral principles.

Lawrence[1] thinks that interventions to stop proceedings repugnant to humanity " can hardly be brought under ordinary rules, though they may be more than justified in exceptional circumstances as acts above and beyond law." This would seem a reasonable statement of the case: modern international law, we must remember, is mainly concerned with the relations of *sovereign* States.

Woolsey (§ 51) justifies intervention on the score of humanity or religion " only by the extreme circumstances of the case." Wheaton (§ 69) illustrates how the principles of international law warrant such interference, *e.g.* in the case of the intervention by France, Great Britain, and Russia in favour of the Greeks in 1827. On the other hand, Hall (pp. 264–266) regards all such intervention as illegal. (*See also* Kent, chap. ii, and F. E. Smith's *International Law*, pp. 35–36.)

(5) Very different is the claim to intervene for the purpose of imposing a higher civilization on a " backward " or less civilized nation. This claim should be viewed with very considerable suspicion. History shows us that, as a matter of fact, conquest by an " advanced " civilized State does not often result in the permanent uplifting of the backward nation. Civilization generally proceeds not by conquest but by peaceful permeation, by the spread of enlightenment, by emulation, by healthy spontaneous development, by friendship. *Where there is already a civilization in existence* another culture imposed *by armed force* bodes little good for conquerors or conquered.

History teems with instances. Had the Greek

[1] *Handbook*, p. 43.

communities been allowed to develop along their own lines instead of being obsessed by Rome, European civilization might have been saved centuries of arrested development.

The Celtic civilization was thrown back hundreds of years by Norman mailed fists: under the policy of peaceful contact it bids fair to revive and to flourish once more.

Modern history can furnish abundant examples. (*See* Hobson, *Imperialism*.)

(6) The question of the right to interfere with *uncivilized* nations to the extent of providing an adequate Government if such be lacking is yet another question. We suppose the natives to have violated no right. Their only fault is that they are incapable of furnishing such a Government as is necessary for the essential safety and well-being of civilized men living in the country.

We may note first that in such cases no title of *conquest* is conferred, though there may be a title to guide and direct the natives, or to establish such security as is above indicated.

It is to be feared that when statesmen speak of the *right* to interfere with *uncivilized* nations they often mean the *power* to interfere with *defenceless* nations; just as they have a tendency to tamper with the liberties of the poor in the name of "social reform."

Again, as a matter of history, the aboriginal whose territory is conquered by a civilized State tends to disappear or to become degraded (*e.g.* the Maori). The real uplifting of uncivilized people has mostly taken place where the State has been little concerned, *e.g.* in the Reductions of Paraguay, the work of the Benedictines in Australia or the Trappists in South Africa.[1]

23. *Various Divisions of Original Rights and Duties.*

[1] *See* Cunninghame Graham, *A Vanished Arcadia.*

We have followed the division of original *rights* into those of self-preservation and development, ownership and jurisdiction, and independence. Original *duties* we have summed up under the negative and positive precept of charity.

Different authors give different divisions, but the result is generally much the same.

The maxim which Montesquieu lays down as the foundation of international law may be quoted:

"Nations ought to do each other as much good in peace and as little harm in war as possible, without injury to their own true interests."[1]

The precepts of the jurist Ulpian are well known:

(1) *Honeste vivere* (to live uprightly).

(2) *Alterum non laedere* (to do no harm to others).

(3) *Suum cuique reddere* (to give others their due).

For other divisions see *Encyclopædia Britannica*, *sub voce* "International Law"; Woolsey (*loc. cit.*), § 17; F. E. Smith (*loc. cit.*), p. 48.

(2) Acquired Natural Rights and Duties

(*a*) *Rights*

24. Secondary natural rights may be acquired as the result of international agreements. They thus form the chief part of *positive* international law. For instance, Belgium, by becoming neutralized acquired the right of assistance from certain other States in case of invasion. That was not an *original* right, since it did not exist before the act of neutralization; yet it was a *natural* right because springing from a just contract and thus guaranteed by the natural law.

But other secondary natural rights may be acquired quite apart from positive law or agreement. They may arise from the simple exercise of some primary right in particular circumstances. For instance, a State has the primary right in

[1] *De L'Esprit des Lois*, I, i, chap. 3.

certain circumstances to acquire fresh territory. As the result of a particular exercise of that right, new secondary rights and duties will arise, which it did not actually possess before, *e.g.* a State acquires new rights and duties with her first colony just as a woman acquires new rights and duties with her first baby.

As many difficulties arise in connexion with the right to acquire territory, the question may be treated here.

The Right to Acquire New Territory

The following titles to new territory are recognized by natural law and by custom :

(1) Occupation.
(2) Accretion.
(3) Cession.
(4) Conquest.
(5) Prescription.

Each of these titles is subject to important limitations, as we have now to see.

(1) *Occupation* is the taking of something which has no owner with the intention of having it as one's own.

By " no owner " in this case we mean no *civil* owner, no organized State. There may be unsettled inhabitants, and if so these must be treated according to the rules of natural justice.

If a country is already occupied by a settled community no other State has the right to occupy it unless that community has gravely violated the essential rights of the State in question.[1] It is here that modern international law and practice finds itself in conflict with the laws of morality.

[1] *See* n. 22, Intervention.

"Savages," says Mr. F. E. Smith, "by a humorous fiction, are considered incapable of possessing territory."[1] But such a grimly humorous fiction finds no support in the moral law. As we shall see (n. 115), the great moralists like Suarez and Vittoria strongly insist that the lack of civilization in a neighbour gives no right to rob him of his territory.

Quite another matter is the alleged right to make provision for the protection and liberty of members of a civilized State who are settled in large numbers among an uncivilized people, and by uncivilized we here mean destitute of a stable and efficient Government. (*See* Westlake, pp. 141–143, who, however, assumes, like other modern writers, that the right to ensure a sufficient Government implies the right to occupy the natives' territory.)

The act of taking possession of unoccupied territory must be external and manifestly intended to be permanent. Positive law and custom regulate the actual steps to be taken.[2]

The occupation of new territory in these days frequently begins with some form of Protectorate. A district is not formally annexed, but is brought under some degree of control, or influenced and impressed by a display of material or moral forces. The rightness of such a course will depend upon the circumstances of each case. If the step is merely annexation of territory under another name, it requires to be justified by those circumstances which alone give a true moral title to annexation. If it is merely a necessary step for the provision of an adequate Government, it must conform to the conditions laid down when we spoke of Intervention.

[1] *Int. Law*, p. 59.

[2] *See* Lawrence, *Principles of International Law*, pp. 146–149; Hall, *International Law*, p. 100. For the question as to whether Discovery and Occupation are distinct titles, *see* Westlake, pp. 155–166.

For *Protectorates, see* Westlake, pp. 177–187 ; Hobson, *Imperialism*, Part II, chap. iv, "Imperialism and the Lower Races."

For *Spheres of Influence*, Westlake, pp. 187–189.

In all cases of "protection" it must be remembered that the inhabitants of a territory however degraded, are still *men* with the rights of men. They have a claim to all the natural and supernatural goods proper to human nature. They may not be treated as chattels: their human dignity must be respected. Their territory belongs to them and may not be taken from them so long as they have violated no essential right of others. The unjust and despotic oppression of the weak is to be reprobated. "Protection" which is a mere pretext for selfish gain and has no care for the interests of the "protected," is unjustifiable.[1]

A Protecting State is bound both by a quasi-treaty and by what may be called a providential mission (the term is open to abuse) to give to those whose political freedom of action it may find it necessary for just causes to restrain, some return of a higher order, viz. true Christian liberty and the benefits of Christian civilization. It is to be feared that in some native minds "Christian civilization" has come to mean chiefly gunpowder and rum.

(2) *Accretion*, such as the increase of land by the action of water (*e.g.* the sixteen miles of land between Norwich and the sea) or volcanic eruption.

(3) *Cession*, or formal transfer of territory

[1] For a powerful vindication of the rights of natives, see *La Question Congolaise*, by Père Vermeersch, S.J. (Brussels, De Wit, 1906, 3.50 fr.)

from one State to another by sale, gift, or exchange (*e.g.* Heligoland ceded to Germany by Great Britain).

(4) *Conquest* (*see* nn. 49, 119). There can be no valid title unless a right has been violated.

(5) *Prescription*, a title to ownership resulting from long-continued possession in good faith.

There is some dispute as to how far this title is sanctioned by the natural law. But by reason of the conflicts which would arise between States were it not recognized, it is said that the natural law favours it at least on the ground of *equity*.

See Castelein, *Droit Naturel*, p. 278; F. E. Smith (*loc. cit.*), p. 62. For the alleged international title by "Civilizing Influences" *see* Westlake (loc. cit.), pp. 174–177, and the previous section on Intervention.

Territorial Rights over Waters. Natural law suggests that the open sea cannot become the exclusive possession of any one State, since

(1) it is incapable of being "occupied";
(2) it is a natural medium of international communication.

But for many centuries the ocean was held to be a possible subject of national appropriation. (*See* F. E. Smith, *International Law*, pp. 65–67.)

Inland lakes, enclosed seas, rivers, canals, and coast-sea naturally belong to the adjacent land. Particular questions must be determined by custom or positive agreement, *e.g.* as to the width of the sea-line of territory.

(*See* Woolsey, *loc. cit.*, pp. 69–86; F. E. Smith, *loc. cit.*, pp. 68–69.)

(*b*) *Duties*

25. Secondary natural duties arise as the result of agreements or other exercise of primary rights. They also press upon a State in consequence of its own violation of commutative justice. The law of justice is universal and cannot be set aside by public opinion.

A State which has unjustly done harm to

another State *is bound to make restitution* to that State, save in those cases which would excuse restitution as between private individuals (*e.g.* when the claim to restitution is waived by the other party or when restitution becomes morally impossible).

(D) TREATIES AND THE NATURAL LAW

(i) Definition and Divisions

26. A *treaty* is a contract made between States. By a *contract* we mean a mutual agreement of two or more parties giving rise to a duty binding in justice.

We are not here concerned with *personal* treaties made between sovereigns in their private capacity: nor with *transitory* conventions which bind the parties to perform a certain act and which come to an end when the act has been performed. We are rather concerned with contracts between States as such, made for the public good of the contracting parties and permanent in their effects.

States have an original or innate right to make such treaties because—

(1) Such treaties are necessary for the general well-being, and are therefore sanctioned by the law of nature and approved by God.

(2) The precepts of the natural law need to be made more precise by positive agreements.

Hence treaties may be divided into:

1. Those which declare and confirm the natural law.

(*e.g.* the Protocol signed at the Conference of London in 1871, by which the representatives of Russia, Austria,

France, Germany, Great Britain, Italy, and Turkey stated that they recognized it to be an essential principle of the law of nations that no Power can be released from the engagements of treaties, or modify their stipulations, except with the consent of the contracting parties amicably obtained.)

2. Those which make the natural law more definite by applying it to particular circumstances.

(*e.g.* natural law permits the seizure of contraband of war. Treaty determines what exactly is to be included under the term contraband. Natural law prescribes that ambassadors are to be treated with respect. Treaty determines what particular signs of respect are to be accorded to them.)

3. Those which do not immediately involve the natural law (*i.e.* questions of right and wrong), but merely make necessary or convenient arrangements according to circumstances.

(*e.g.* commercial treaties, etc. Natural law, of course, gives the State the right to make and enforce such treaties.)

See Grotius, *De iure belli ac pacis*, I, ii, chap. 15, par. 5 ; Castelein, *loc. cit.*, pp. 921–923.

(ii) Conditions of a Valid Treaty

27. These conditions concern :

(1) The contracting parties.
(2) The matter of the treaty.
(3) The consent given.

(1) *The contracting parties* must be Sovereign States. Some States are debarred from making treaties without consent of some suzerain, though in other respects they may be independent.

(2) *The matter of the treaty* must be physically and morally possible. An agreement to do

something impossible or something morally wrong is not binding.

(3) *The consent of the parties* must be given truly, freely, and mutually, and must be clearly expressed.

What of a treaty made under compulsion or extorted by threat? If the compulsion is *just* the treaty is valid and must be kept.

Thus if a man has wronged me I may threaten him with a lawsuit unless he makes a certain fair agreement. He may not back out of the agreement when made, on the plea that he was forced to make it.

If the compulsion is *unjust, i.e.* if a nation is compelled to sign a treaty by the unjust aggression of another nation, the contract is still valid. But can it be rescinded? This question is more difficult.

A private citizen, unjustly bullied into making a contract, may have that contract declared null and void or rescinded (cancelled) in a court of law. But there is no international court of law, and so Grotius and most writers think that an international treaty, even when unjustly forced upon a State, binds that State. This would seem to be demanded by the public welfare. For otherwise States would always be looking about for pretexts to slip out from their obligations, to the great prejudice of human society.

Hence a State, unjustly forced by another State to sign a treaty,[1] is bound to observe that treaty not because that other State has a right to exact that observance (injustice confers no right), but because public welfare demands it.

[1] We are speaking, not of engagements to do something wrong, but of engagements unfairly extorted.

Hence we must repudiate Mommsen's statement that—

A great nation does not surrender what it possesses except under the pressure of extreme necessity; all treaties which make concessions are acknowledgments of such a necessity, not moral obligations. Every people justly reckons it a point of honour to tear in pieces by force of arms treaties that are disgraceful.[1]

The welfare of society, wrote Senior, requires that the engagements entered into by a nation under duress should be binding; for if they were not so, wars would terminate only by the utter subjugation and ruin of the weaker party.[2]

There would be an end of all faith among nations if treaties were held not to be binding because the wars out of which they arose were unjust.[3]

As to the rightness or otherwise of "nationalist" movements (*e.g.* the Irish, the Poles, the Austrian Serbs, the Finlanders), each case must be decided on its merits. Where just engagements have been given there is an immediate obligation to observe them. But the forcible suppression of a nation is not infrequently found to bring its own revenge. Even though the injured party does not repudiate its word, a greater law comes into play and the injustice is righted at last. Persistent unfairness creates a new situation; the unnatural tension is relieved from unexpected quarters (*cf.* n. 128).

On the general question of resistance to civil authority, *see* n. 36, *and also* Rickaby, *Moral Philosophy*, pp. 338–343.

(iii) Termination of Treaties

28. According to natural law a treaty ceases to bind for any of the following reasons:

(1) Express mutual consent of the parties.

(2) By lapse of time, when the treaty is made for a definite time.

(3) Breach of the treaty by the other party.

[1] *History of Rome*, vol. i, p. 403 (Eng. tr.).
[2] *Edinburgh Rev.*, vol. lxxvii, p. 307.
[3] Sir Samuel Romilly, quoted by Creasy, p. 42.

This only refers to special treaties between two States in which the natural law is not directly involved. In the case of universal treaties between all or a number of civilized nations for the purpose of determining international law, *e.g.* forbidding the use of dum-dum bullets, the fact that one party breaks the agreement does not justify the rest in doing so. On the contrary, they should take a united stand and compel the delinquent to mend his ways. (*But see* n. 31, *Reprisals*.)

(4) When circumstances arise, not foreseen by the contracting parties, which change the very essence of the treaty.

This rule, it is clear, must not be extended to cover mere pretexts of bad faith. Treaties are not made invalid or doubtful by *any* unfortunate turn of affairs, such as is always liable to occur, and to falsify rash expectations of great profits. In such cases the State in question must ask the consent of the other party to a dissolution of the treaty. . . .

Ever since the general clause *rebus sic stantibus* (" while things remain as they are ") has been supposed to be inserted expressly or tacitly in international agreements, those who are versed in the political arts of Machiavelli have seldom lacked a welcome pretext for ridding themselves of the troublesome obligations of treaties.[1]

It is not always easy to say what new circumstances change the essence of a treaty and what do not. But the conscience of the civilized world speaks clearly enough with regard to a number of historical cases.

When a State is convinced that circumstances have substantially changed and that the keeping of a treaty involves grave and unexpected difficulties, it should give notice of its desire to seek a readjustment and should not suddenly violate the treaty. International conscience and tradition attaches much importance to such giving of notice. It is only comparatively lately that

[1] Meyer, *Instit.*, p. 772.

statesmen have broken away from the immemorial agreement that the making of war should be preceded by a formal declaration of war.

(iv) Obligation of Treaties

The binding force of just treaties is "admitted by such a universal, constant, uniform, and overwhelming consent of mankind that even the most depraved are forced to acknowledge it."[1]

29. Christian philosophy has through the ages unhesitatingly declared that this binding force arises from the natural law which prescribes the inviolable and divinely sanctioned precepts of justice.

Mere positive law has no binding force apart from natural law. A contract made contrary to the natural law is invalid. A contract made in accordance with it binds those who make it; and its binding force comes immediately from the natural law. If this is denied, every treaty becomes waste paper.

A treaty, then, derives its binding force from the *duty of keeping faith* prescribed by the natural law.

Yet it has been customary to give it an added force by means of oaths, pledges, guarantees, and even hostages.[2]

30. *Hostages.* The *offering* of hostages has practically ceased to be a practice. One of the last examples was after the peace of Aix-la-Chapelle in 1748, when two British peers (Lord Sussex and Lord Cathcart) remained on parole in Paris until Cape Breton should be restored to France.

[1] Meyer, *loc. cit.*, p. 773.
[2] *See* Woolsey, 109, 110.

It was held that, by natural law, only the external personal liberty of the hostage might be interfered with. He might not be put to death. Moreover he had to be treated with humanity and respect and released as soon as the engagement was fulfilled. We must not suppose that this was always done: but it was regarded as the right thing to do.

Though the custom of offering hostages has fallen into disuse, the custom of taking hostages has not. There is much difference between the two, especially when the hostage taken is a non-combatant.

Hostages are sometimes seized by way of precaution in order to guarantee the maintenance of order in occupied territory. The usage which forbids that the life of any hostage shall be taken, for whatever purpose he has been seized or accepted, and which requires that he shall be treated as a prisoner of war, renders the measure unobjectionable; but in proportion as it is unobjectionable it fails to be deterrent.[1]

More often the seizure of hostages is used as a protection against special dangers which it is supposed cannot otherwise be met. In 1870 the Germans ordered that "railways having been frequently damaged, the trains shall be accompanied by well-known and respected persons inhabiting the towns or other localities in the neighbourhood of the lines. These persons shall be placed upon the engine, so that it may be understood that in every accident caused by the hostility of the inhabitants, their compatriots will be the first to suffer." On this measure Hall remarks:

The order was universally and justly reprobated on the ground that it violated the principle which denies

[1] Hall, § 156.

to a belligerent any further power than that of keeping his hostage in confinement; and it is for Governments to consider whether it is worth while to retain a right which can only be made effective by means of an illegal brutality which existing opinion refuses to condone.[1]

The civilized conscience was still more grossly outraged by the murder of the Archbishop of Paris taken as hostage by the Commune.

31. *Reprisals.* The term "reprisals" is used in a variety of senses, especially of violent measures taken by one State against another which fall short of actual war. But we may here consider reprisals as an incident of warfare itself, a resort to the *lex talionis*, or what children call "tit for tat."

As we have seen (n. 28), a particular treaty or agreement when violated by one party ceases by that very fact to bind the other party. But what is to be said of a breach of international law by one State? Does it justify all other States in following suit? If one combatant has violated the customs of war, may another retaliate by doing the same?

We must distinguish between two kinds of retaliation according as they involve a breach of *international morality* or a breach of *mere positive international law.* The letter of such law may, on occasion, be violated in retaliation while the spirit is kept.

The inhumanity or cruelty of their enemies do not warrant men in reprisals of the same kind. Humanity declares that certain things may not be done under even provocation. Such deeds involve moral degradation. It is simply not true to say that "all's fair in war."

[1] *Loc. cit.*

This point was well brought out by Mr. Balfour in his answer to the objections raised against the Allies' blockade of Germany in 1915:

> International law has no sanctions; no penalties are inflicted on those who violate its rules; and if a State makes use of forbidden weapons, the neutrals who blame its policy do nothing to protect its victims. Nor is this surprising. In the present unorganized condition of international relations it could not well be otherwise. But let them remember that impotence, like power, has duties as well as privileges; and if they cannot enforce the law on those who violate both its spirit and its letter, let them not make haste to criticize belligerents who may thereby be compelled in self-defence to violate its letter while carefully safeguarding its spirit. For otherwise the injury to the future development of international law may be serious indeed. If the rules of warfare are to bind one belligerent and leave the other free, they cease to mitigate suffering; they only load the dice in favour of the unscrupulous; and those countries will most readily agree to changes in the law of nations who do not mean to be bound by them.
>
> But though, as I think, international law can hardly be literally obeyed unless both sides are prepared to obey it, we must not conclude that the absence of reciprocity justifies the injured party in acting as if international law and international morality had thereby been abrogated. This would be a monstrous doctrine.[1]

The obligation of international morality, he says, is absolute: that of international law is conditional, and one of its conditions is reciprocity.

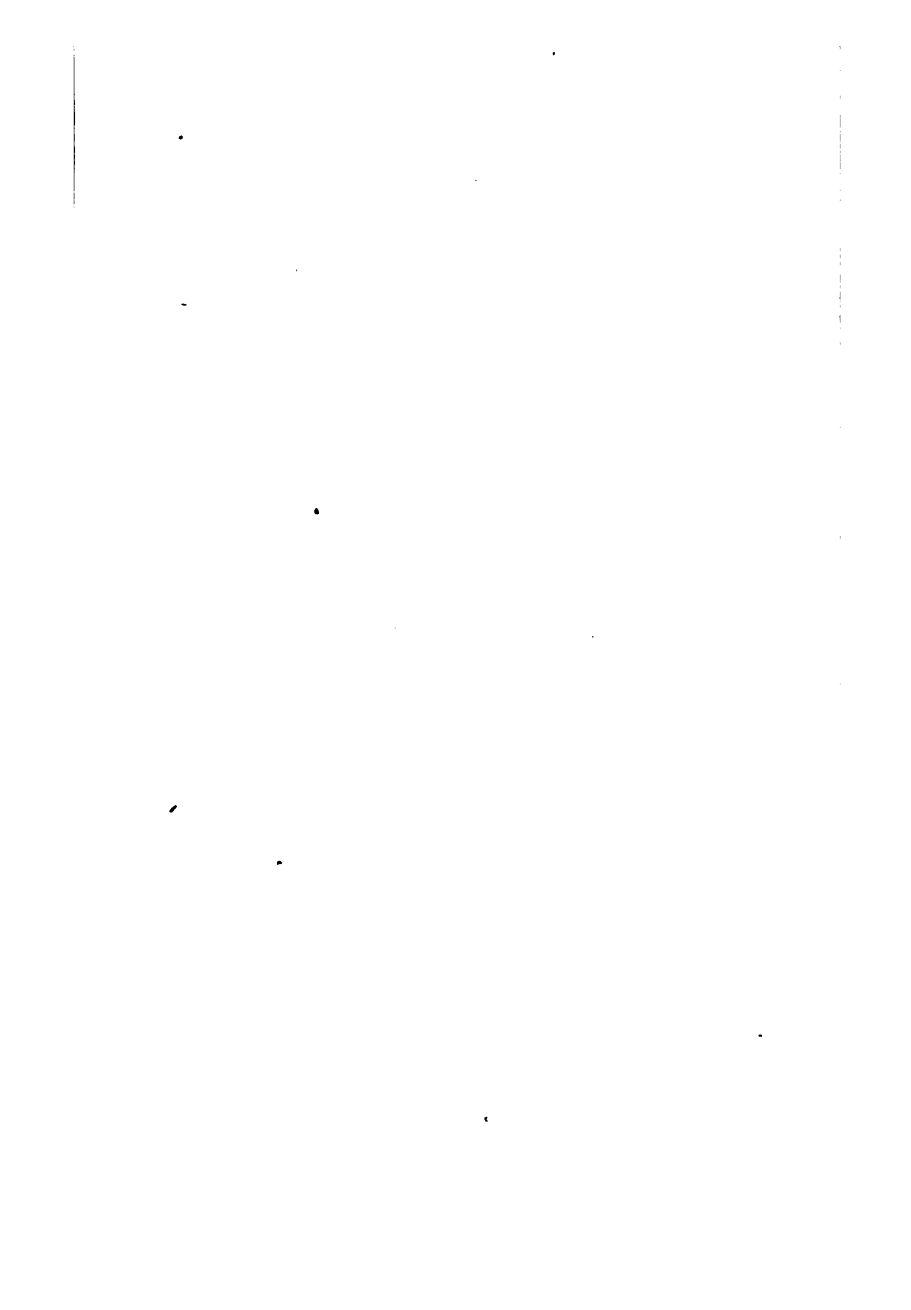
It might be added that a State should endeavour to observe even the letter of international law unless the breach of that law by its enemies is such as to make retaliation necessary in self-defence. Thus much is due to the common cause of internationalism. Moreover retaliation adopted merely as a protest is seldom effective:

[1] *The Times*, March 29, 1915.

it generally leads to a further breach of international law, and the whole level of conduct in war is dragged down to the standard of the most degraded combatant.

Note.—In modern text-books of International Law considerable space is usually allotted to the question of *Neutrality*. But since the dictates of the Natural Law on this matter appear to be particularly vague, we have considered it better to omit the whole subject. Its absence from our historical part (IV) is explained by the fact that this subject received no special treatment in the great Catholic treatises, and has, in fact, only recently been developed.

PART II

MORALITY AND WAR

PART II

MORALITY AND WAR

(BY THE REV. J. KEATING, S.J.)

(1) THE CATHOLIC DOCTRINE OF WAR

32. THE Catholic doctrine of war, which is an application of the principles of justice to a certain phase of inter-state relations, has not of course changed in essence since it was first formulated. But the change in ideals and forms of government, the advance in national civilization, the growth of humanitarian feeling and the usual effects of the teaching of experience have somewhat modified the expression and application of that doctrine. Many motives for warfare which were formerly tolerated or even approved are now seen to be unsound; many old customs in prosecuting war are now rejected (in theory at least) as uncivilized; human rights are more clearly expressed and more generally recognized by belligerents.

In this section a brief and definite survey of the whole Catholic doctrine on warfare as it is found to-day in authorized treatises and text-books will be set forth.

What is War? War is essentially a conflict between two or more groups of human wills

carried on in the physical plane. Of the manner in which discarnate spirits contend we know nothing, but, as a general rule, one human will cannot overcome the continued resistance of another except by a resort to physical force. Leaving out the abnormal case of hypnotism, wherein self-control is temporarily suspended, there is no other way of compelling assent. All other methods of influence—appeals to reason, to conscience, to self-interest, to affection—depend for their success on the free consent of the person influenced. Failing these means of promoting harmony, there remains only material constraint.

Can Free-will be forced? Strictly speaking, free-will cannot be constrained; it can be suspended or destroyed by the action of its Creator, or by the appeal (or repulsion) of what is seen to be good (or bad) under *every* aspect: for in these circumstances the will has not the prerequisites for exercising free choice. But external compliance and an actual, if unwilling, acquiescence can be brought about by force, *i.e.* by dint of making the stubborn will physically more uncomfortable and thus in a worse state than it would arrive at if it gave in. Thus it is offered the choice of two evils and may reasonably choose submission as the less.

In this case submission is really voluntary, although the only thing desirable about the thing chosen is the fact that it is not so bad as the alternative. Yet the will retains its aversion from this course, which therefore is called voluntary, not absolutely but *secundum quid* (*i.e.* under one special aspect). This is the utmost that external force can do to procure harmony

of wills. But if there are any higher claims on the weaker party in the strife than immediate self-interest, such as duty towards God (as in the case of the martyrs), or proper self-respect (when submission would be degrading), then physical force is often powerless to influence free-will. The moral consequences of yielding are seen to outbalance the inconvenience of resisting further.

This, then, is what war is in its last analysis. When two Sovereign States disagree on some matter of vital import, and cannot settle their differences by process of reasoning, by arbitration, by compromise, or in any other fashion, they generally appeal to force or the threat of it. Equivalently one says to the other: "You are depriving me of something of mine to which I attach great importance. You will not give it to me peaceably, therefore I proceed to compel you by inflicting upon your country and your armed forces such injury that you may find submission to my demands preferable to rejection of them." And the other replies: "You have no rights in this matter; and as for your claims, I shall resist them by doing your subjects in arms and your property such damage that *you* will find it more advantageous to withdraw than to prosecute them." Then the issue is joined and the process of mutual destruction begins and is continued, until one or the other side finds that acknowledgment of defeat is a wiser and better course than prolonged resistance. This is the whole essence of war—the assertion of moral right by armed might.

33. *The Morality of War.* As far as its *motive* is concerned, warfare so conceived cannot be

condemned. The word "right" indicates the existence of a moral claim to act or to possess, which cannot be justly violated. Every real right carries with it the obligation on others to respect it.[1] Speaking generally, therefore, rights which are perfect or absolute may always be asserted or defended without blame, and, if sufficiently important to the community, may be supported by the whole power of the State, assuming that they cannot be as effectively secured in any less violent way. To uphold justice is, in itself, always praiseworthy.

But however good the *motive*, may not the *means* be essentially bad and therefore unjustifiable? A fuller answer will be given presently (*see* nn. 44–48); here it may be pointed out that, if a State has a real right to a thing of great relative importance and war is the *only* method by which that right can be preserved, then the vindication of justice by force, the securing, that is, of a moral good by the infliction of physical evil, is not only just but may even be binding on conscience. To fight for the furtherance of just claims is essentially an act of self-defence,[2] presupposing an interference with those claims, and self-defence, the repulsion of an unjust aggressor, if permissible to the individual, is, with all the more reason, permissible to the State.

Only physical, not moral, evil is properly intended by the act of war itself, although, as a matter of fact, warfare, if unjust, originates in moral evil, and in any

[1] *See* Parkinson, *Primer of Social Science*, n. 17.

[2] *See* Rickaby, *Moral Philosophy*, p. 350. In the text war is spoken of absolutely, but it is clear that only righteous war is intended.

case it gives *occasion* to a whole host of immoral actions of the grossest kind—an accidental circumstance which, although it does not affect the intrinsic character of war, must always be taken into account when weighing its cost.

So far we have justified war, as a means of enforcing just claims, by appeal to reason. For Christians there remains a further proof in

34. *God's Revelation about War.* God has revealed Himself to man imperfectly in the Old Testament; much more perfectly in the New Testament, which records the teaching of Christ; and finally in the Church which was instituted by Christ to perpetuate and apply His teaching. By all these means He has declared His mind on the subject of war.

In the *Old Testament* records war is a very familiar feature. This alone would not show that it was justifiable, for the Bible narrates the crimes of men as well as their virtues. But many of the wars which the Jews waged from the times of Abraham to the age of the Maccabees were directly enjoined by Almighty God. This would show that war cannot be intrinsically evil. However, it may be urged that in certain cases God used the Israelites as an instrument to punish races guilty of abominable idolatry, and, indeed, the utter extermination of adult males which He sometimes commanded is a proof of this. On the other hand, not all the Jewish wars were of this character. In Deuteronomy (chap. **xx**) we find general directions given for the prosecution of war, which shows that the possibility, at least, of justifiable fighting was contemplated. However, as the Chosen People

were in origin and spirit a Theocracy, even the wars they undertook in self-defence might fairly be considered as directly authorized by God, who is Lord of life and death and can justly sanction the use of such a method for the furtherance of His ends, just as He sanctioned the spoiling of the Egyptians. Thus, from the Old Testament we gather little more than the fact that warfare, commanded directly or indirectly by God for His own divine purposes, is lawful.

In the *New Testament*, which narrates the inauguration of the reign of the Messias, the Prince of Peace, it would seem at first glance that there was even less to justify the continuance of this feature of a low and imperfect civilization. The whole spirit of the new revelation was one of meekness, forgiveness and charity: and whilst Our Lord constantly extolled these virtues, nothing can be quoted from Him to warrant the lawfulness of armed conflict between nations. The fact of war He recognizes, and it forms a prominent feature of the troubles preceding the end of the world as He describes them; but He says nothing explicitly about the justice of war. On the other hand it may be urged that He praises the Roman centurion, that He enjoins obedience to the Roman authorities who maintained their hold on Judæa by force, and that He does not condemn war as an abuse, as He does social evils like divorce, tolerated under the old dispensation. We must in fact recognize that in no case does He legislate for the conduct of States, but only for that of the individual. The force and application of the texts commonly cited as being equivalently a condemnation of

war will be examined later when we discuss various Pacifist [1] errors (n. 98).

35. *The Teaching of the Church.* For those who accept the teaching of the Catholic Church, neither Old nor New Testament is sufficient to determine the matter of itself. For that Church has been established to guarantee the inspiration of the Sacred Record, to interpret its meaning with certainty, and to supplement by her authentic traditions and living inspiration the revelation therein contained. To that teaching we may now turn, after making the ground more clear by some definitions.

36. *Definitions.*

War in its strictest sense is conflict between the armed forces of two or more Sovereign States. It is thus distinguished from (1) *Civil strife*, or conflict between various factions in the same State for the supreme power;

(2) *Rebellion*, or the armed uprising of a party in the State against the constituted authority;

(3) *Guerilla warfare*, or unorganized resistance to an invader, conducted by armed individuals or small groups;

(4) *Punitive expeditions*, or armed forces sent, generally into an uncivilized or semi-civilized country, to avenge some insult or injury;

(5). *Private feuds* conducted with lethal weapons by individuals. Catholic teaching regarding these various forms of active hostilities may be briefly stated.

(i) *Civil strife* as distinguished from rebellion presupposes some colourable pretensions to justice

[1] As the barbarous words "Pacifist" and "Pacifism" appear to have gained a foothold in the language we are compelled to adopt them.

in each of the parties engaged. In the past, such wars have been waged to support the cause of different dynasties, or to establish a particular form of government. The justice of dynastic struggles depends in each case, as well on the nature of the claims advanced by the several parties, as on the question whether the assertion of these claims was worth the cost of war. As we have seen, force can be appealed to in support of right when all other means fail: only the right must be genuine and important. It is for this that Catholic morality stands.

The possibility of dynastic civil war has practically passed away in communities where the monarch rules by right of Parliament. And actual fighting between fellow-citizens to secure one form of Government in preference to another would seem to involve the use of an instrument disproportionate to the end sought, except in the circumstances which would justify rebellion.

(ii) *Rebellion*, the armed assault by subjects on their *de facto* Government, is justifiable when three conditions are present:

(1) a Government which habitually and seriously fails in securing what alone it exists for, viz. the general well-being;

(2) the ascertained failure of constitutional methods of redress;

(3) the presence of reasonable prospects of success.

(iii) *Guerilla warfare* is justified on general grounds of self-defence. But if there is a recognized Government in the invaded country, rightly representing the community and free from external control, and if it has come to terms with

the invader, then the unauthorized continuance of resistance becomes unlawful.

(iv) *Punitive expeditions* may be necessary when dealing with a barbarous and loosely organized State which does not recognize international law or custom, and from which, therefore, it is impossible to obtain redress through ordinary diplomatic dealings. The *lex talionis* or law of reprisals may then be invoked as the only argument available, but always with the moderation that humanity suggests. (*See* n. 31.)

(v) *Private feuds*, fought out with lethal weapons, are wholly unlawful in any organized community. No adjuncts of skill or valour, no pleas of honour or custom, can excuse the duel from being a breach of the Commandment "Thou shalt not kill," all the graver because more deliberate. It is a relic of barbarism.

In this treatise these imperfect forms of war are not dealt with.

37. *The Catholic Doctrine on War properly so called.*

Divisions, according to (1) Origin, (2) Motive, (3) Method.

Taking war in its strictest sense as a struggle between the organized armed forces of two or more Sovereign States, we may now examine its nature more clearly, and determine, from the teaching of the Church, the conditions which must be present to make it lawful.

War, in reference (1) to its origin may be either *offensive* or *defensive;* in reference (2) to its motives, it may be *just* or *unjust;* in reference (3) to its methods, it may be *civilized* or *barbarous.*

38. *Origin. Offensive and Defensive Warfare.* By force of the terms it would seem that the State

which first declares war is the aggressor, but that is by no means always the case. As war is theoretically an assertion of right, it may concern rights already infringed or rights now being attacked. As a vindication of past injustice, war is sometimes called *offensive*; as a means of repelling actual attack it is called *defensive*. However, since, as we have seen (n. 33) all righteous war is an act of self-defence, it is perhaps better to keep to the ordinary meaning of the terms, and to look upon the State which first gives the *cause* for war as the real aggressor, whether it took up arms first or not. In that case offensive war would always connote absence of provocation or justification.

It is of course possible to imagine a simultaneous attack upon each other by two States, each of which considers itself injured by the other. In such a case there may actually be a measure of right on each side, and an investigation into the relative weight of their claims would be needed to determine on which side lay the greater right and which side was really acting on the defensive. So ill-defined sometimes are national rights, and so obscure are national motives, that such an examination must often be fruitless. On the other hand, history records many instances of clearly unprovoked wars, in which the aggressor had as little to cloak his pretensions as the wolf when he picked a quarrel with the lamb.[1]

39. *Motive. Just and Unjust Warfare.* The

[1] Most great nations have offences of this kind to their discredit, but some are more unblushing than others. Frederick the Great is said to have given as his reasons for attacking Silesia in time of entire peace, the following: "The vivacity of my temperament, my well-filled war-chest, a favourable opportunity and an ambition for glory."

distinction between the two opens up the whole question of the morality of war, which must now be fully dealt with.

Morality is determined by three things:

(1) what is actually done;

(2) the reason for doing it;

(3) the circumstances which affect (morally) its doing.

If an action is to be justified, these three constituents of it must each be good, or at least not bad, and that simultaneously.

(1) *The work done*[1] must be good or capable of being made so. There are some things bad in themselves, such as idolatry or impurity, which no motive or circumstance can redeem: and there are other actions which in themselves have no moral bearing, but which take their colour from circumstances or intention, *e.g.* eating meat, which becomes sinful on abstinence days in the case of those obliged to abstain.

(2) *The reason for action,* commonly called the *end* or *motive* or *final cause.* A bad motive is enough to vitiate any action, however good. Almsgiving, for instance, for purposes of ostentation is a sinful and not a virtuous act. On the other hand a good motive, required to justify even a good action, may also make an indifferent action good. But of course it cannot make a bad action good.

(3) *The circumstances.* Not all circumstances affect morality. Thus, a man murders another: the circumstance that he uses a pistol, not a knife, does not alter the moral aspect of the deed: but the circumstance that the victim is the

[1] The same reasoning applies, with due qualifications, to *omissions* which are also a species of acts.

murderer's father does, changing simple murder into parricide.

The Determinants of Morality applied to War. These notions premised, we can better discuss the morality of the act of war. In their physical aspects all wars are the same, involving the violent destruction of human life and health and integrity, and of property both public and private. Hence the work done is a real evil, though only a physical evil, viz. the destruction of physical good.[1] As physical good is inferior to moral good, the former may reasonably be sacrificed to the latter when they cannot be possessed together. Moreover one physical good may reasonably be sacrificed to gain a greater good of the same kind.

So the act of war, morally indifferent in its physical aspect, becomes capable of being made morally good or bad, according to the nature of the moral elements that enter into it: its origin and its motives may make it good or bad, and its methods may affect its moral bearing, according as they are right or wrong. And all these three must be in accord with justice at the same time in order to make a war just. We must now examine them in detail.

40. *Origin of a Just War.* The origin of a just war must be the violation of some right, of some lawful claim or possession, and one of sufficient importance to warrant the desperate means employed to vindicate it. Moreover the lawfulness of the claim or possession must be a matter of practical certainty. A doubtful claim cannot form a sufficient basis for invoking the certain

[1] Of course such physical evils require a very grave reason before their use may be justified. *See* below (n. 41), and Rickaby, *Moral Philosophy*, p. 36.

evils of war (n. 116). And finally this means must be taken as a last resort, when all other methods of vindicating justice are inapplicable or have failed. War, therefore, has been called the *ultima ratio regum* (the final argument of kings).

Chief among the moral goods, the denial of which gives reasonable occasion for war, are liberty of conscience, of person and of government, national honour, the restoration of national territory, the rehabilitation of justice, violated on a large scale.

For the community, as for the individual, there are certain goods which may rightly be reckoned more precious than life. Consequently, national life may be risked to preserve them. But as war is so desperate a remedy it must be avoided if its object can be otherwise secured. If its object can be attained by diplomacy, by mediation or arbitration, or by a reasonable compromise, or even if there is a fair chance of these means being successful, then appeal to the sword is unwarranted. War should not be, although it has often been made, a mere instrument of policy amongst civilized States, constantly invoked in diplomacy, paraded as the chief national activity.

Lastly, as it is the Government which is trustee for the rights of the nation, upon it in the first instance falls the duty of resisting their violation, so long as there is sound reason, even though not amounting to absolute certainty, for their validity. It follows that, if the State cannot justly engage in war on its own account except to repel the invasion of some moral right, still less is it justified in stirring up or encouraging a war between other States, so that they may become weaker or less formidable. The foreign

policy of Europe during the past century (to go no further back)—that of Bismarck, Cavour, the two Napoleons and others—has been deeply stained by this latter immoral practice.

41. *Motive for Just War.* Again, the motive for war must be either (I) the vindication of some real right or possession, certainly owned and certainly violated, and of proportionate importance, *or* (II) just intervention to defend the rights of others. (*See* n. 42.)

(I) As we have seen, an unjust motive vitiates even good actions: how much more will it vitiate an act so steeped in physical evil and fraught with such terrible consequences as is war! The voice of outraged justice must be very loud and clear before we can venture to take up such a weapon for her rescue. For although war in itself is merely a physical evil, it gives practical occasion to a host of moral evils as well, by multiplying opportunities of indulging various passions and at the same time removing the ordinary checks established by civilized life. Accordingly the moral evil which war is intended to cure must be very real and very great to warrant the permission of the moral evil it occasions.

42. The fact that the motive must be just excludes a whole host of reasons which have been acted on in the past as justifying war. The standard by which they are to be tested is provided by the ordinary moral law, *i.e.* by such of the Commandments as concern the observance of justice, which, of course, binds States as well as individuals. It is unjust, therefore, to wage war:

(1) *For mere acquisition of territory* which already belongs to another. This is simply

brigandage on a large scale; and yet history is full of examples of it.

(2) *For the spread of commerce*, unless national prosperity as a whole is gravely injured by unfair exclusion[1] from markets open to others. The forces of the State cannot lawfully be employed to promote the material interests of individuals.

(3) *For personal or dynastic ambition*, again, a frequent motive before democracy destroyed arbitrary rule, yet one from which democracy itself (or oligarchy disguised as democracy) is not quite free.

(4) *To avert political disaster at home*, a cynical perversion of justice noticeable in adventurers like Napoleon III, and made a political maxim by Prussian statesmen.[2]

(5) *Merely as a means of maintaining* the relative position of the State in the hierarchy of nations.

This is not quite the same as maintaining the Balance of Power, a doctrine which has been the chief feature of international relations in Europe for more than two centuries. It is based on the assumption that no one nation can be trusted to acquire an overwhelming superiority over the others without abusing that predominance to their detriment. On this assumption of the inadequacy of law and morality to restrain the predatory tendencies of States, those others are doubtless justified in striving to prevent such aggrandisement, because it is presumed to be an actual menace to them. On that supposition the European nations have acted for many generations; it is a policy begotten of fear and productive of hostility, but until they have reason to consider it unsound, or until Federation is substituted for hostile competition, on it they will presumably

[1] *See* Hall, *International Law*, § 13. Grotius, Vittoria and others hold that a State has a right to intercourse with its neighbours.

[2] *See* Bernhardi, *Germany and the Next War*, p. 38.

continue to act. But no State is justified in attacking another just because that other, by superior productiveness or enterprise or other fair means is passing it in the race for pre-eminence. The maintenance of the Balance of Power is not *in itself* a sufficient justification for war.

See Westlake, pp. 120-122: "A State has no right to security against mere fear. . . . The law may be taken to be that the natural growth of a State in power, and even the increase of its armaments in a fair proportion to its population and wealth and to the interests which it has to defend, gives no special rights of self-preservation to its neighbours so long as an intention to misuse its power cannot be imputed to it on sufficient evidence."

For the Balance of Power as a method of securing peace, *see* n. 81.

(II) *Intervention.* Over and above the justification of war arising from the violation of national rights which are genuine and important, there are yet other just motives for making war on another State, namely, the wish to help a nation unjustly attacked by that State, or to uphold the common rights of humanity. For the conditions which justify such intervention *see* n. 22.

43. It may finally be asked whether war can justly be entered upon when there is no prospect of a successful issue. The issue of war is generally uncertain, but the forces opposed to a nation battling for its rights may be so overwhelming as to make resistance clearly of no avail. The question is not easily answered except in the most general way, viz. by pointing out that a protest against injustice is always valuable even if not actually successful, and no protest is more emphatic than that made by preferring death to submission. Moreover, even if the unjust aggressor is ultimately to succeed, there is something gained for the cause of right by making him

pay a heavy price for success. If the way of transgressors is made easy, they will be the more tempted to transgress. Finally, the example of heroism presented by the fearless facing of fearful odds becomes an undying moral possession of mankind at large.[1] But it will be for the nation so assailed to decide whether its object—self-preservation—may not be better secured by temporary submission under protest, with the chance of future recovery. Still, liberty, independence, the possession of certain territories, etc., though they are all natural goods, the loss of which does not necessarily interfere with man's true end, are the highest goods of the State, and the State may prefer destruction to the loss of them.

It follows from what has been said that, when once the just occasion or motive for war has ceased, war, too, must be abandoned. Being no longer necessary, it is now no longer lawful. When the end is gained, the means should be discarded. So, if in the middle of a campaign, fair terms of peace are offered by either party, the other is bound to accept them. War is only made that a sure and satisfactory peace may be achieved.

44. *The Method of Just Warfare.* A war may be just in origin and motive but unjust in method. The requirements for rectitude of method are many, and it is they which mark the distinction

[1] *See* Cardinal Mercier's Pastoral on *Patriotism and Endurance*: "Is there a patriot among us who does not know that Belgium has grown great? Nay, which of us would have the heart to cancel this last page of our national history? Which of us does not exult in the brightness of the glory of this shattered nation? . . . Mere utilitarianism is no sufficient rule of Christian citizenship." (Pp. 16, 21.)

already made between civilized and barbarian warfare.

(1) The first requisite is that war should be declared and waged by the *supreme authority in the State*. It is the business of this authority to safeguard the general welfare: individual citizens are debarred from avenging themselves by force of arms against private and public foes alike, precisely by the fact that the State has undertaken their defence. If the supreme authority is indifferent to the general interests unjustly assailed, or incompetent to protect them, the State has practically ceased to be an organized community, and its citizens are free to look after themselves. Being an act of vindicative [1] justice, war can be undertaken only in the name of the supreme judge, whose authority resides in the final power of the State.

Hence all wars undertaken by a particular class or family or trade interest in the community are unjust, unless these private concerns are of sufficient importance as to become practically national in character.[2] In the old conception of kingship, which was embodied in the Feudal system and long survived its extinction, the monarch stood for the State in epitome, and the interests of the dynasty were held to be co-

[1] "Vindicative" rather than "vindictive," which latter word generally connotes revenge, whereas the meaning required should suggest the restoration or "vindication" of the moral order by the infliction on the offender of the penalty which is "the other half of crime." (*See* n. 31, *Reprisals*.)

[2] Circumstances may make an injury even to a single individual a matter of national concern to the State of which he is a member. England declared war against Spain in 1739 because some Spaniards had cut off the ear of a certain Captain Jenkins.

extensive with those of the nation. Nowadays, the growth of the democratic principle, though attended by dangers of its own, especially when foreign relations are left too exclusively in the hands of a few individuals, has swept away family ambition or pride or passion as motives for war.

45. (2) Secondly, the *declaration* of war should be formal, preceded by definite demands, the concession of which has been refused by the adversary. Otherwise, war is not the *last* resort, and therefore lacks justification, since opportunity of making reparation has not been offered and therefore not refused. Whether there should be a verbal ultimatum, what precise interval of time and other steps should precede actual hostilities, etc., seem to be matters (provided the principle above stated is secured) of convention and positive law. But if there is an ultimatum, clearly its actual phraseology should not add to the difficulties of accepting it.

46. (3) A more important requirement concerns the actual *method of fighting*. As the object of war is to force the adversary to yield, by inflicting physical loss or suffering, it would seem that the greater and speedier and more widely extended that loss and suffering, the more secure and speedy will be the result. But several considerations qualify this judgment. The savage at war recognizes no limits to the horrors he perpetrates, except such as are promoted by self-interest. Fear of reprisals in kind, of stimulating resistance, the desire to enslave rather than to kill, to confiscate rather than destroy, will mitigate the ferocity of the barbarian. But apart from these considerations, he will give full rein to his ruthlessness, and burning, massacre, looting,

crimes against women, torture of prisoners, will all form part of his normal programme. If we have only the object of war in view, and are independent of the influence of public opinion, this is probably the most effective, because the most terrible, way of conducting it.

But those who are not savages but civilized beings and Christians are debarred by their knowledge of moral obligations and particularly by the virtue of charity from the use of such methods. Civilization, inspired by the Church, has done very much to mitigate the horrors of war. (*See* nn. 123 ff.) Its influence is seen in its insistence on the continued obligation of the moral law during the state of war, and in the positive enactments which more or less perfectly embody moral principles and tend to humanize warfare. Thus civilized war is conditioned both by Christianity and the law of nations. The great precept of charity and the Ten Commandments—"Thou shalt not steal," "Thou shalt not lie," "Thou shalt not kill" even—these retain their full force on the battlefield. It is wrong, as some do, to look upon a just war as simply legalized robbery and murder. The soldier is essentially the minister of justice, and he has the State's authority, which is ultimately God's, for doing the necessary duties of his calling. If he destroys life or property it is because, under war conditions and within bounds to be mentioned presently, such matters are no longer protected by Divine prohibitions. He is repelling unjust aggression; he is acting for the State in self-defence. But, although the lives and property of his opponents are for the occasion rightly open to his attack, the obligations of morality still

bind his conscience. Thus he is not free to hate his adversary or to wish him irreparable evil.

Moreover, the moral law inspired by Christian sentiment forbids all forms of cruelty exercised upon wounded soldiers or prisoners. They cannot lawfully be made to act treacherously towards their own side, to forswear their allegiance and take part in operations against their country.

47. These are the dispositions of heart and the rules of conduct which Christianity prescribes for the soldier, if he is to perform his terrible task blamelessly. In course of time, with fluctuations corresponding to the fortunes of the Faith itself, and to an extent varying with the grasp of Christian principle in the world at large, they have been embodied in rules which are supposed to regulate the warfare of civilized nations. History is full of the records of savage deeds, of treachery and cruelty perpetrated by Christian peoples at war. But it is due to Christianity that these rules are recognized, and that impartial history stigmatizes and condemns their violators. It is still possible to progress towards the ideal.

A summary of the rules of civilized warfare must now be given. The chief one undoubtedly is that only the authorized armed forces of either side should be treated as belligerents, the rights of all non-combatants in an invaded country to life and, as far as real military exigencies allow, to liberty and property, being fully recognized. Military occupation must, of course, impose many restrictions on freedom and many inconvenient requisitions. Travelling and trade, manufacture and agriculture are grievously hampered. The actual contest cannot but result in damage to crops and factories and dwelling-

houses. But the inhabitants, who do not fight or resist the invader in other ways, retain their fundamental rights; *e.g.* they may resist unjust aggression of their persons, if they prudently can; they are entitled to compensation for commandeered property; they may not be imprisoned or made to serve against their country in any way; their family life and their religious rights must be respected. On their part they must recognize *de facto* occupation by the enemy and give at least external obedience to his regulations.[1]

As a logical consequence of this recognition of the rights of non-combatants, undefended towns may not be bombarded or given over to assault, and even fortified towns may not be shelled before notice has been given, allowing non-combatants opportunity to depart.

48. *Hague Regulations.* These and other rules are embodied in a series of prohibitions sanctioned at the last Hague Convention (1907) as binding on all the signatory Powers,[2] which may be quoted here as putting the chief rules of civilized warfare in convenient form.

By articles 23, 24, 26 and following, it is forbidden in war:

(*a*) To use poison or poisoned weapons.
(*b*) To kill or wound by treachery.
(*c*) To kill or wound an enemy who has surrendered unconditionally.
(*d*) To proclaim "no quarter!"
(*e*) To use weapons, projectiles, or other materials calculated to cause unnecessary harm.

[1] *Cf.* Cardinal Mercier's *Pastoral*, quoted above, p. 24.

[2] The refusal of any considerable Power to approve of any given rule has the unfortunate effect of releasing the others from observance of that rule (supposing it to be merely positive) if they are at war with that Power. (*Cf.* n. 28.)

(*f*) To abuse the flag of truce, the Red Cross badge, the enemy uniform.

(*g*) To seize or destroy enemy possessions except under strict military necessity.

(*h*) To attack or bombard undefended towns, villages, etc.

(*i*) To proceed to bombard a place, except in the case of actual assault, without warning the authorities.

(*j*) To destroy sacred buildings or those devoted to the arts, such as historic monuments, or to good works such as hospitals.

(*k*) To plunder or destroy a place, even after taking it by assault.

(*l*) To force non-combatants to give information about plans, etc., of their army.

The more elementary rights of security for life and private property, for family honour, for religious conviction and practice, receive explicit recognition in other articles.

The same definite character does not attach to the rules for warfare at sea, which are to some extent undetermined. However, there, as on land, the lives of non-combatants are sacred. There are no non-combatants on warships, which are therefore the legitimate prey of their adversaries. Neutral vessels are liable to have contraband stopped and seized, but cannot otherwise be justly interfered with. Enemy merchant-ships can be destroyed provided their crews and passengers are placed in safety. To destroy neutral property other than contraband is brigandage; to destroy non-combatant lives is murder; no military exigencies, no doctrine of reprisals can justify either course.

Christianity, as inspiring the Hague Conventions, not only does much to secure the welfare of non-combatants in a war area, but also labours to improve the lot of the belligerents themselves,

once they have become non-combatants. The elaboration of the Red Cross department and the relatively humane treatment of prisoners are instances in point. By the Hague rules these latter should be allowed to retain whatever they possess except their weapons, and if required to work should not be employed against their country and should be paid for their labour. They should also be fed, clothed, and housed with due regard to their well-being.

49. *Rights of the Victor in a Just War.* Having now seen what makes a war just, viz. a genuine occasion, a good motive or intention, a proper authority and a humane method, we may turn to consider the rights of the conqueror. We assume that the conqueror was justified in fighting. An unjust belligerent has no rights whatever, even if victorious; on the contrary, having in that case the power, he is under the deeper obligation to make restitution for the wrongs he has committed.

The rights, then, consequent on victory, are:

(1) To make good the claim for which the victor undertook war. This is the first and most obvious of his rights. The violation of that claim was his justification for fighting, and its recovery, therefore, is only a recovery of his own property.

(2) To take compensation for the losses incurred in fighting for his just claims. These are losses unjustly forced upon him by those who attacked his rights, and who consequently are his debtors to that extent.

(3) To take measures to prevent unjust attack in the future, by holding or destroying threatening positions, etc. War is a means to re-establish

peace; consequently the victor should do what is really necessary to accomplish this. But for the same reason he will not inflict upon his adversary real cause for resentment, such as the perpetual alienation of territory inhabited by a nationality foreign to his own, the exaction of a permanent tribute, etc.—measures which only serve to keep alive feelings of hostility and revenge.

50. (4) How far a victor in a just war may proceed to *punish* the unjust aggressor is a question which would require more space for its adequate discussion than can be spared here; but we may refer the reader to the opinion of mediæval moralists referred to in Part IV (n. 119).

Catholic moralists enter into more details on the subject of war than we have space for here, and discuss at length objections to the doctrines they lay down. For these more subtle questions (*e.g.* in what sense war can be just on both sides, the degree of certainty required to make war just, the moral status of hired alien soldiers, etc.) we must refer our readers to more detailed works on the subject.

51. *Military Obedience.* But there is one outstanding point which claims some attention here, and that is the character and limits of military obedience. Concerning this the following principles should be noted (*see also* nn. 107, 118).

(1) Nobody in any circumstances is justified in acting against his conscience, *i.e.* in doing something which he judges here and now to be wrong, or omitting some action which he is sure is his duty. Conscience, in the language of the moralist, is the supreme subjective standard of morality.

(2) Corresponding to this obligation is the duty of getting one's conscience properly instructed in points of morality which are likely to enter into one's daily conduct.

(3) Hence the soldier should know that, obedience prompt and unquestioning being of the essence of military efficiency and therefore part of his profession or contract, it is his duty to obey the clear orders of his superiors, *unless they are clearly against the moral law,* which, being God's will, has of course the first claims upon his obedience.

(4) Where the morality of a command is really doubtful he should, in the interests of discipline, give his superiors the benefit of the doubt. He is justified in assuming that they have a more deep and extensive knowledge than he, and therefore have good reasons for what they command.

(5) If the command is clearly against the moral law, he has no option but to refuse obedience and face the consequences—a martyr to his conscience. In a Christian country under civilized superiors such cases will be extremely rare.[1]

The soldier in the ranks or lower commands, at any rate, can hardly have all the knowledge requisite to form a correct judgment about such complex matters as the justice of a war. But any healthy conscience will revolt at an order, *e.g.* to shoot women and children.

By English law the soldier (like all other officials) is as responsible as any private and unofficial person for any act which the law does

[1] During the proceedings of the French Government against the religious Orders, Catholic officers were from time to time exposed to this alternative. See *The Month*, 1902, October (493), *Blind Obedience in the French Army.*

not authorize. It is no defence in law for the soldier to plead that he acted under military orders. Hence the law itself recognizes the limitations of military obedience.

Conclusion. Hence the main position of the Church with regard to war is abundantly clear and is thoroughly in accord with common sense and Christian morality. So long as war may have to be invoked for the vindication of justice, *i.e.* so long as sovereign States continue to regard each other as rivals and to appeal to force rather than to law and to conscience in support of their rights, so long can war be justified. But meanwhile Christianity endeavours to remove the injustice which gives occasion to war, the greed, pride, ambition, and other ill-regulated passions that prompt the injustice, and the terrible moral evils which accompany warfare, for the ideal of Christ is a perfect and permanent peace between man and man and between man and God.

(2) FALSE DOCTRINES EXAMINED

52. *The Two Extremes.* In this matter of warfare, as ever, the Catholic Church shows the perfect accord of her teaching with that dictum of experience and common sense—" virtue abides in the mean." She does not praise or condemn war absolutely, but indicates in what circumstances and to what extent it may be practised, rejecting alike the two immoral extremes, viz, that of Militarism, which glorifies warfare as a lawful end in itself, and that of Pacifism, which denies to it even the character of a lawful means. The virtue which is called meekness or active love of peace has over against it on the side of

defect that disposition whereby peace is only tolerated as a time for war preparation, and on the other side of excess the toleration, from motives of pusillanimity, of injustice of any sort which could be effectually remedied by armed resistance. We shall examine either extreme separately.

To examine a thing profitably we must regard the full expression of the thing, the perfect type. Between the virtue of peacefulness and its two extremes there are any number of more or less faulty positions occupied by people who would resent the label of the extremist. But only by studying the vice in its fullest development can we clearly understand to what it leads and how its beginnings may best be resisted.

53. (*a*) *The Militarist Extreme.* Militarism is the expression in international politics of that materialistic philosophy which goes in this country by the name of Darwinism.[1]

Its main characteristic is its denial or ignoring of Creation and Providence, and its explanation of the Universe as the result of the interaction of material forces working mechanically according to fixed "laws," which are merely the tabulated records of the uniformity of these forces. The process to which is due the production of the Universe is summarized in the well-known

[1] There are varieties, too, of Darwinism, and that philosopher, who knew his limitations and the weak points of his own theories, must not be saddled with the more or less logical deductions and assumptions of his rationalistic "popularizers." Darwin was by no means a "Darwinian." Amongst the qualities which make for "fitness" he reckoned the "social instinct," leading not to conflict but to co-operation. See *Mutual Aid* (Kropotkin), *The Ascent of Man* (Drummond). See also *Evolution and the War* (P. Chalmers Mitchell, D.Sc., F.R.S.), where it is pointed out that the evolution theory does *not* recognize the necessity in nature for the kind of struggle which Bernhardi has in mind.

phrases—" the struggle for existence " and " the survival of the fittest." Since all progress hitherto, from the primal nebula to man, is assumed to have been due to these " laws," it is inferred that future advance must also depend on their operation. Hence, the militarist holds, expressly or implicitly, that between the separate nations of mankind there is necessarily a struggle for existence, which, as their populations increase, will become more bitter and more desperate. Consequently only those nations will survive which make themselves more powerful than their neighbours. The normal relation, then, between nations is one of war, open or covert; war with armed forces occasionally, war with diplomatic and commercial weapons always. Spurred by this permanent necessity the various nations develop those qualities which best make for superiority and which find their highest expression in the military virtues. By direct cultivation, therefore, of these virtues, by subordinating all other forms of energy to the making of itself a fighting machine, perfect in *morale* and equipment, a nation will best consult its true interests and provide for its future.

The exponents of this atheistic philosophy are to be found amongst every people. It is the only philosophy logically possible when God, His purpose in creation, and the after-life are denied, and man is made to be his own end. It flourishes wherever practical Christianity decays, and is held by many professing Christians who have not thought out or grasped the implications of their creed. Amongst no people has it been so thoroughly embodied in national policy as it has in the German Empire. We need not

multiply quotations from authorized exponents of German national ideals, but may simply refer to Bernhardi's well-known book, *Germany and the Next War*, where, in a chapter entitled "The Right to Make War," that writer has culled from the philosophers of his nation many endorsements of such propositions as the following, which embody the militarist gospel: "War is a biological necessity of the first importance, a regulative element in the life of mankind which cannot be dispensed with"; "Might is at once the supreme right, and the dispute as to what is right is decided by the arbitrament of war"; "War gives a biologically just decision since its decision rests upon the very nature of things"; and so forth.

Let us own once more that this devilish philosophy, the very negation and antithesis of Christianity, the solvent of all morality, the destruction of all justice, is to be found amongst modern non-Christian teachers in every nation; for every one who claims for his own State, on account of its supposed superior excellence, the right to impose its will and ideals, by force if necessary, on other independent States, is practically extending the theory of mechanical evolution to the facts of human progress.[1]

But this theory, which possibly explains some of the facts observable in the development of the animal creation, is out of place in the

[1] This theory, though not explicitly owned, dominates the late Professor Cramb's lectures, *England and Germany* (Murray, 1914), and is traceable in the writings of several British publicists of the ultra-Imperialistic school. See *Imperialism* (Hobson), chap. ii, "The Scientific Defence of Imperialism." The *Times* for May 7, 1915, reports that Professor Ridgeway, speaking at a meeting of the Eugenic

sphere of morals and free volition. Man, whether singly or in community, is a free being, determining his conduct according to his ideals, and made noble or base according to the character of those ideals. A State, therefore, may be Christian just as the individual may, and may find that, by observing the laws of the Kingdom of God, even its material welfare is the better secured. Wherever the current philosophy of any State does not recognize Christian principles as the only sound basis of civilization, and substitutes belief in Fate for belief in Providence, Darwinism, expressed in international relations as militarism, is certain to inspire its political ideals.

Germany at the present time (1914–1915) has reduced the materialist philosophy to action in the most thorough fashion. But England has her Jingoes, France her Chauvinists, Russia her Pan-Slavists; in every nation that is conscious of power there are influences prompting to the setting of might above right, and making force rather than law the criterion of justice. Not all these influences are consciously unchristian, and many attempts have been made to harmonize the militarist spirit with Christianity and to reconcile mankind to war because of the alleged singular benefits it confers on mankind. A refutation of this disastrous philosophy must concern itself also with these attempts.

Society, said that ". . . far from this being the last war, the hard facts pointed rather to its being the first of a vast series of struggles different from those yet known. The earth's waste spaces were now getting filled up, and the struggle for existence, not merely kingly ambitions, was the great stake for which Germans and British were now fighting. Henceforward each new struggle would be more desperate."

54. *War not the Result of Over-population.* First on the general question, the whole conception of a multiplicity of nations with necessarily hostile interests, struggling for life and welfare in the midst of strictly limited resources, is a mere speculation, partly untrue and partly unverified. Not only is the earth as a whole not over-peopled, but no country exists, however densely populated, which is incapable of sustaining or procuring sustenance for its inhabitants. Belgium before the war supported with ease 652 persons to the square mile, yet Belgium is not naturally a fertile country.[1]

Methods of agriculture are capable of improvement, and no visible limits can be assigned to the productive capacity of the earth as a whole. The dread of an over-peopled world is a bugbear invented by theorists, and an equivalent denial of the action of Providence.[2]

It is in this second aspect that the necessity of a struggle between the nations for survival must be condemned by the Christian as a radically false hypothesis. All human beings owe their origin to Almighty God; in their essential equipment they are all equal and have all the same duties and the same destiny; they

[1] At the same ratio, comparing area with area, the United States, which now supports 100,000,000 inhabitants, could support about 1,850,000,000, and the 50 odd million square miles comprising the cultivatable surface of the globe, 32,500,000,000.

[2] *See* Devas, *Political Economy*, book I, chap. i, "Productive Capacities of the Earth," and chap. ix, "Growth and Decay of Nations," especially the section on Malthusianism. Theorists who speak of German aggressiveness as the result of the pressure on her resources of her surplus population forget that emigration is discouraged there, and that of all her millions, increasing by about 900,000 annually, only about 25,000 leave the country every year.

were created in order to save their immortal souls by glorifying the Creator. Thus they are all members of the same family, with the same eternal interests. This is a source of union more fundamental and earlier than any grounds of difference due to distinct races or parentage or political grouping. Thus those less important variations, which exemplify the fecundity of the divine ideas and are meant to stimulate a healthy rivalry, are really wrested from their true purpose when made the occasion of ill-will and hostile action. It is a self-contradictory idea to suppose that the God of love could have created rational beings with the duty of serving Him on earth, and the prospect hereafter of a peaceful and blissful eternity with Him, and yet placed them under a *natural necessity* to hate and destroy each other. And what reason itself dictates, God's revelation in Christianity abundantly confirms. Christianity stands for the Brotherhood of Man.

55. *The State as Might.* As a result of leaving out of sight the Divine purpose in creation, a false theory of the State has been concocted which is intended to justify war as the highest expression of human virtue. Again it is in German militarist thought that we find the clearest statement of this conception. Bernhardi drew his social philosophy from Treitschke, the historian, whose primary maxim was that the State is power and war is its most elementary function. On the strength of that persuasion Bernhardi naturally condemns peace ideals as profoundly unethical. Christian philosophy, on the other hand, teaches that the State is the community organized for the promotion of *justice*

and the securing of peace; justice between citizen and citizen, and between the State and its neighbours; peace due to mutual recognition of rights. The power of the State is subordinate and instrumental to that end: it is essentially a means: to regard it as an end is to make an idol of a creature. The individual and the family are prior to the State and have rights with which the State cannot interfere. The word citizen does not exhaust the whole concept "man," and although there is a true sense in which the common good transcends that of the individual, and in which the State may lawfully call for the subordination of his interests to those of the public, that claim is concerned only with what is temporal. The spiritual well-being of a single soul may not be sacrificed for any material advantage however widespread.[1]

The theory of an omnipotent State, knowing no check of natural right or international law, inevitably results in despotism at home and aggressiveness abroad. It destroys liberty of conscience amongst the citizens and that basis of good faith which alone makes civilized intercourse possible among nations. It is a return to that soul-enslaving Cæsarism from which Christianity set mankind free. It makes the interests of the State the sole standard of right and wrong. It justifies every form of force or fraud which results in the gaining of political ends. Once more, we may reflect that Frederick the Great, Napoleon I, Napoleon III, Bismarck,

[1] *See* for the character and functions of the State, *Christian Citizenship* by Rev. Thos. Wright (C.S.G., 6*d.* net.) especially chap. ii, "The Christian State."

Cavour, and nearly the whole tribe of nineteenth and twentieth century diplomatists have filled history with pernicious examples of this international immorality.

56. *War not necessary for Human Progress.* War, therefore, is not a God-ordained necessity to secure earth from over-population, but a desperate remedy for evils worse than itself, evils brought on by man's perversity. Nor is it, as its apologists pretend, in any way necessary for human progress, although moral good can undoubtedly be drawn from it, as from other great physical calamities. A great step will be taken towards its abolition, if once the idea that it is in all circumstances inevitable can be banished from men's minds. For what is inevitable we do not hope or try to prevent. But that idea will not be banished so long as a practically anti-Christian philosophy holds sway, teaching that the different members of the family of nations have necessarily opposed and irreconcilable interests only to be settled by conflict. However, those who think that struggle is essential to progress are wrong, only if they contemplate a struggle that knows no check either of justice or humanity. The materialist seems unable to conceive of a competition which should be real but *moderate*. Competition is perhaps as necessary for advance in most spheres of human activity as friction is for physical progression.[1]

An international struggle for supremacy, whether in art or science or commerce or politics, is undoubtedly calculated to call forth the highest

[1] For the good effects of competition and the evils resulting from its abuse, *see* Parkinson, *Primer of Social Science*, pp. 123 ff.

endeavour of each State, but the desire for success does not absolve the rivals from the observance of those conditions of the conflict which bind all equally, the checks and prohibitions of the moral law.

However, if the goods aimed at are looked upon as absolute and sought for themselves alone, then such rivalry is apt to degenerate into a selfish and lawless struggle. It is Christianity, with its ideal of brotherhood and its right estimate of temporal goods, that prevents human competition from being inspired and ruled by the law of the jungle.

57. *Unchecked Competition* (i.e. *War*) *really opposed to Progress.* Moreover, it is clear that such conditions of remorseless struggle amongst men would defeat their own end. The jungle law undoubtedly secures that within the limits of each species the strongest and fiercest animals have the best chance of preserving and transmitting life. At the same time, that law operates to develop the opposite qualities in other species. The most timid and fleetest animals are also the best calculated to survive. Cowardice and courage alike make for persistence. On the other hand, amongst human beings at war, who are themselves drawn from the most manly of their respective nations, it is the bravest that, in modern conditions, run the most risk of wounds and death; those morally and physically fittest are the *least* likely to survive.[1]

[1] "If nations sent their trash, instead of their treasure, to fight their battles, then indeed war might be defended as a dreadful purgative of nations." Dr. C. W. Saleeby, in *Contemporary Review*, April 1915, article "The Dysgenics of War." A detailed refutation of the contention that war benefits the species may be found in *Biology and War*, by G. A. Thompson, LL.D. (Milford 1915.)

And if it be urged that their example, at any rate, keeps alive an ideal of heroism that elevates the public mind, and that thus they beget a spiritual progeny, if not a physical, it must be admitted also that warfare tends to lower public morality by the example of vice on a large scale and degrades human nature by evoking and strengthening its worst qualities. Hatred, greed, envy, fraud, falsehood, pride, lust, cruelty, hypocrisy—how those deadly evils spread and thrive in the atmosphere of war, not merely amongst the actual belligerents but in the nations they represent! But the argument that war is necessary for the development of manly character, or is even the best way to assure such development, is perhaps best refuted by considering the character of nations or classes which rarely or never have engaged in it, and are therefore deprived of its advantages.

To vindicate for warfare the character of an indispensable school for virtue, we should have to prove that the soldier commonly exhibits a higher moral standard than the civilian of the same class—a very difficult proposition to establish. In time of war, no doubt, the man who volunteers to risk his life for his country is far more worthy of esteem than he who, other things being equal, elects to stay at home, and a state of active warfare may serve to bring out whatever is of heroism in a man's character. Still, it is by no means self-evident that the military as a class are more religious and law-abiding, better Christians and citizens, than civilians are.

Again, can we say that the millions in the United States who have not seen war for two or

more generations are noticeably behind, in point of view of moral excellence, the inhabitants of, for instance, Germany, where the warlike spirit has so long been cultivated with the utmost care? Are women, again, who are never exposed to the discipline of the barrack-square or the hardships of the stricken field, less conspicuous for fortitude, unselfishness, and patriotism than men?

If it be argued, however, that not so much in war itself as in the preparation for war and in the readiness to expose life unselfishly are the precious qualities of courage, strength, discipline, obedience, altruism—so necessary for human progress—developed, the obvious answer is that physical perfection is as surely obtained by outdoor sports and gymnastics, that no particular moral heroism is involved in joining the army during peace time, and that the habits of obedience, regularity, attention to duty, etc., which the soldier acquires are not necessarily moral at all, but may be merely mechanical and external. They are good things as far as they go, but they may to a large extent be attained in the ranks of organized labour.[1] Moreover the discipline exacted by barrack-life is often compensated for by license abroad, and garrison towns are not conspicuously more moral than those which never see a soldier.[2]

[1] The formation at Liverpool (April 1915) of a Dockers' Battalion, for employment during the war, may result in the introduction amongst all classes of workers of a salutary spirit of social service. Their labour is, after all, just as necessary for the national well-being as the profession of arms, and just as deserving of national recognition.

[2] At this time (1915) when all the noblest elements of the nation have enlisted or are enlisting in order to save their country and to further the reign of justice on earth, men are

The truth is that self-sacrifice sums up all that is best in the military spirit. Now opportunities for self-sacrifice abound in every career: in many occupations—seafaring, mining, engineering, railway work—the risk to life and limb is far greater, because more continuous, than the soldier has to face: no one need go far to seek the means of developing character, which ever depends more upon will than circumstance; in fact, the exclusive attribution by apologists for war[1] to the military career of the means and occasion for acquiring and displaying "military" virtues is but a relic of ancient tradition, dating from the ages of violence, when every man wore weapons and had to be ready to use them. War, then, is in no sense *necessary* for the preservation of noble and strenuous qualities in the race. God has provided many other means for their development. Man's battle with the forces of nature, whether for purposes of science or commerce or sport, the periodical calamities in the physical order—earthquakes, fire, shipwreck, pestilence—with which God's providence chastens us, the toil by which sustenance must be commonly won, and daily trials of life in community form ample occasion for their exercise,

inclined to fix their minds exclusively on the undoubted advantages of the military profession in developing the robuster qualities of mind and body. Hence we have considered it well to emphasize here (somewhat unduly as some may think) the other side of the picture. But even were the profession of arms all that is claimed for it in this respect we should still have to ask whether its benefits were not bought at too high a price. It must be remembered, too, that we are referring primarily to those who make arms their profession and not to those who nobly spring to their country's aid in the hour of peril.

[1] "There are certain manly and adventurous qualities which war *alone* can develop." Theodore Roosevelt.

and God's revelation in Christianity gives them their inner inspiration. Those who work amongst the poor bear witness to the frequent heroism of their daily lives. But in deprecating war as a school for virtue we suppose amongst men a practical Christianity. Because Christianity puts in the forefront of its ideal, love, humility, and patience, it does not follow that these virtues can be acquired without others. Rather they call for the practice of discipline, fortitude, self-sacrifice in a much higher degree than does the facing of external hardships and dangers. They are the crown of a strenuous and lengthy campaign. "Better is he that mastereth his spirit than the stormer of cities."[1]

58. *Other Alleged Benefits of War.* There are other benefits claimed for war which can be more shortly discussed. It is said to have promoted the material welfare of mankind by stimulating invention and scientific research. What a triumph of mechanical ingenuity is a modern battleship! Yet there are equally wonderful exhibitions of human genius in many more productive achievements, power-looms, printing presses, engineering works. The advantage gained by defensive armour of great strength has no doubt brought about improvement in the production of steel. Yet these and a few other similar benefits are dearly purchased by the waste of resources caused by war. The conquest of nature, the spirit of curiosity and enterprise, and mere commercial competition, as we see in the case of the United States, give ample incentive to the perfection of mechanical arts.

More tenable perhaps is the assertion that art

[1] Prov. xvi, 32.

and literature owe much to war. Ruskin goes so far as to say that "All the pure and noble arts of peace are founded on war," [1] although he does not satisfactorily make good that claim. It is an induction formed from his reading of history—history which never for long together has had to record the effects of peace; he thought that nothing but war could bring, as war seemed to have brought, the faculties of man to their fullness, and thus produce great art. But because artists of great merit have flourished in ages when warfare was rife, that coincidence in period is not sufficient evidence: one must first exclude the possibility of other causes at work. We may grant that war has stimulated art in various ways. Artists have found inspiration in battle-scenes, craftsmen have wonderfully ornamented martial weapons, the poignant contrasts of the battlefield and the lofty aspirations of patriotism have been the themes of many great poems; but it is quite arbitrary to say that because men of genius have so utilized this particular aspect of human history, art and literature would not have reached such perfection had war never occurred. The powers of mind that seize upon and express the spiritual aspects of warfare—and these alone make great literature—could equally have transcended and idealized all other varieties of human experience. And even were it not so, can we say that battle-pictures and battle-poems are worth their cost?

59. *War Benefits Industry.* The militarist school further plead that war is good for industry, relying upon such facts as the enormous increase of Germany's commercial activity after

[1] *Crown of Wild Olive:* On War.

1871, and the benefit the United States drew from the war with Spain. But these facts are probably due to a large combination of causes. The *a priori* argument, that a process which involves much unproductive expenditure and much destruction of existing goods cannot be for the industrial welfare of the country as a whole, is not easily to be overthrown. Particular industries may and do thrive, as the building trade thrives after an earthquake, or a provision dealer's at the beginning of a famine, but it stands to reason that the colossal waste of national resources caused by war—the withdrawal from production of hosts of the able-bodied, whom the country has to pay and support, the conversion of various substances into engines of destruction,[1] the consumption of war material itself, the actual devastation suffered from hostile invasion, the widespread interruption to trade—represents a colossal loss of material resources which years of peaceful industry will be needed to replace. The National Debt reminds us that we are still paying for the Napoleonic wars, and who can say how far into the future the crippling effects of the present world-wide conflict will extend? A few trades in each country, and perhaps one or two small neutral countries, may profit somewhat in the long run, but the prosperity of the world in general is permanently diminished by the waste of war.

60. *War Expenditure an Insurance.* Still there are risks in every business which must be insured against, and which form a permanent tax upon profits; may not war preparations and occasional

[1] The expenditure on the Assouan dam which has multiplied the resources of Egypt tenfold represents the cost of a Dreadnought, which, however useful, is not productive at all, although in present circumstances it *preserves* wealth.

war be regarded as the price each nation pays for its security? The analogy is not really correct, for the purpose of insurance is not to prevent, but to compensate for possible loss, whereas armaments are intended either to prevent war or to bring it quickly to an end when it has begun. But granting that war expenditure is a tax paid to ensure peace, it is notorious that it generally fails in this its proper object. The utmost competitive armaments can do is to postpone through a period of tension and alarm the struggle which they have rendered finally inevitable. Once again, that no nation dare to put a stop to this competition, so foolish when considered as a whole, so prudent in the case of each, is due to the fact that Christian principles have not yet ousted the Darwinian in international relations. The war expenditure of the world in peace time (between £400,000,000 and £500,000,000) is part of the price it pays for its rejection of practical Christianity. Once public opinion ceases to be enslaved by the old militarist tradition, it may perhaps realize that happiness, peace and prosperity, wherever they exist, are not to be found in armed, but in friendly rivalry. Competitive arming is provocative of war. Armaments are made to be used and ultimately are used. To be powerful enough to protect one's possessions is the duty of every State: to aim at being so powerful that one's power is a menace to every other State is to sin against the common interest. But the misery is that, as things are, any one single State by openly aiming at domination can force all the rest to keep pace with it in self-defence. Excessive power is rightly taken as the expression of unlawful ambition. It is clear that the one

remedy for the ruinous expenditure caused by such national individualism is federation. If the Triple Entente and the Triple Alliance had merged into the Sextuple Confederation, bound together by community of interests and thriving in each other's prosperity, war in Europe would very possibly have come to an end. Anyhow it seems certain that war will not be ended nor prevented by militarism.

61. (*b*) *The Pacifist Extreme.* It is plain that the militarist doctrine that war is an end in itself, the highest expression of national life, the cause of material prosperity and moral advance, a necessary factor in human development, and so forth, is both false in theory and belied by experience. The logical outcome of militarism, when man's intellect and will have been perverted to its service, is the apotheosis of unscrupulous strength. What are the results of the opposite extreme of pacifism, the heresy that denies to war any lawful function at all in human affairs? Militarism masquerades as pure patriotism, whereas it is but nationalism grown rank. The false pacifism more subtly clothes itself in supernatural virtue and claims to be the quintessence of Christianity. It is all the more pernicious on that account. Historically it is connected in England with the Society of Friends, and in modern times an eminent Russian, Count Leo Tolstoy, has given the doctrine prominence in his writings. Many non-Catholic sects are tinged with it, so that in many cases the occurrence of the present war has produced a sense of divided allegiance, unintelligible to the Catholic, between duty to God and duty to the State.

The doctrine of the uniform unlawfulness of war

finds no support in reason, for there is no right so fundamental as that of self-defence; and none in tradition, although attempts have been made to show that it was characteristic of early Christianity. (*See* Part IV.) It is based solely upon a misunderstanding of the Christian spirit produced by a misinterpretation of the Christian Scriptures. It thus illustrates the inevitable result of drawing rules for conduct entirely from written documents, which are not and cannot be self-interpreting. If there is no authority to expound and guarantee the meaning of the law, the legislator's work is only half accomplished. God Himself is the only competent interpreter of His own laws, but, as the event proves, He does not interpret them privately for each individual, but publicly by means of the institution to which He has confided the guardianship of their written expression. Not Tolstoy, who did not even believe in Christ's Divinity, nor George Fox nor his followers nor any other self-accredited prophet can produce any solid reasons why men should trust in their particular exegesis of the New Testament, whereas the certain and logical issue of their doctrines in anarchy and the triumph of evil stamps them *a priori* as erroneous. It is therefore under the double guidance of reason and Catholic tradition that we arrive at the true meaning of the various passages of Holy Writ which are held to forbid warfare.

62. *Pacifism refuted.* In the first place (as we have already seen, n. 34) reason tells us that what is essentially evil can never be positively enjoined by Almighty God as a means to any end. Yet God in His dealings with the Israelites sanctioned and approved of their fighting with their enemies, and although they might sometimes be said to be

thus acting as God's agents in overthrowing and punishing idolatry, yet this interpretation does not apply to the warfare of different sections of the Jews amongst themselves. Those, then, who say that war is always and intrinsically evil must explain how God could have countenanced the frequent employment of this wicked practice in a race which He especially wished to keep from corruption.

Turning now to the New Dispensation, we are met by the assertion that, however God may have condescended in permitting war (as He permitted divorce) to a people of low ethical development, at any rate this practice was forbidden in the law of perfection promulgated by our Lord. And texts in abundance are quoted to prove that the Christian ideal is wholly averse to the prosecution of even just claims by physical force or even to the warding off of unjust aggression. The Sermon on the Mount [1] contains the summary of Christ's ethical teaching and therein nothing is more prominently taught than love for enemies, pardon for offences, submission to injury, the abandonment of rights whether of persons or property. A special series of benedictions is invoked on those who embrace this course of conduct. But

[1] Taken together and apart from their circumstances these utterances of our Lord certainly point to a spirit which possessed in its fullness would make war impossible. "But I say to you not to resist evil: but if one strike thee on thy right cheek turn to him also the other"; "Love your enemies, do good to them that hate you"; "Blessed are the meek"—And, certainly, if all acted in accord with these counsels there could be no war. His example in His Passion, especially His express repudiation of physical force, points in the same direction. But our Lord's doctrine as to the conduct of Christian States is not meant to be inferred from isolated sayings, but from the aim of His whole life as interpreted by His Spirit in the Church.

war is essentially insistence on rights, exaction of reparation, resentment against ill-treatment. War is therefore unchristian.

To this the general reply, sufficient for the Catholic who knows that the Church is his appointed infallible guide in morals as well as in faith, is that war cannot be unchristian because, if it were, the Church would have grievously and permanently erred in a capital point of morality. This would mean, in other words, that after all there is no Church, that Christ's promises have failed, that He is not Divine nor trustworthy, and that therefore we must fall back for knowledge of the true character of war on the gropings of the unaided conscience. Consequently, a consistent Catholic must hold that the Church's interpretation of the Christian spirit is the true one, and for this interpretation he turns both to her practice and her teaching. Both are set forth in detail in other parts of this Primer, especially, as regards the past, in Part IV, but here attention may be called to the Crusades, officially preached and encouraged, which, in original aim at least, were wars in the strict sense, and to the fact that she has canonized, *i.e.* declared heroic in virtue, men and even women whose lives were largely occupied in warfare. The example in recent years of the beatification of Joan of Arc is much to the purpose.

So much for *a priori* considerations. The solution to the seeming contradiction between Our Lord's injunctions (repeated as they are in several cases by the Apostles) and Christian practice is to be sought partly in the fact that His teaching primarily regarded the individual, and only indirectly the organized community, partly in the

fact that it pointed not merely to the necessary avoidance of evil, but to the voluntary aspirations towards a higher good. These two distinctions —between the duties of the individual and of the State, and between what is more and less perfect— enable us to reconcile what might otherwise seem impracticable paradoxes. Although the same principles of morality bind both State and individual these two entities are not called to the same perfection nor have they the same destiny. Consequently, they stand in different relations towards the rights they actually possess, and the duties severally incumbent on them. The individual, having a destiny beyond this earth, may be called upon, as the martyrs were, to abandon even the right to existence in view of eternal bliss. And in the same way and for the same object he may forego many lesser temporal rights, the right to marry, to hold property, to defend himself or his goods, to control his own career, and so forth, always provided the rights of those dependent on him or otherwise connected with him are not infringed thereby. This is actually done with the sanction and approval of the Church, by those who enter Religious Orders. But no one is *bound* to aim at the highest. It is left to our choice—" If thou *wilt* be perfect." [1]

On the other hand, the State, having no future life to look to, must secure its own well-being here ;

[1] We are not concerned here with vindicating for the individual the freedom, which God has allowed him, to distinguish between counsels and commands, and to choose, if he wishes, the lower good rather than the higher within the limits of God's law. We need only note that a freedom given to the individual who has only himself to look to does not necessarily extend to the State, the guardian of so many interests.

existing, moreover, not for its own sake but for the sake of its members, it cannot arbitrarily lay aside its trust; it is bound to labour for the interests of those members and to insist upon their rights being respected. There is no room in the scheme of things for a martyr-nation yielding to violence without any attempt at self-defence.[1] It would be wrong, therefore, for a State to condone grave injuries affecting its subjects or its territory; it cannot lawfully turn the other cheek to the unjust aggressor: its duty is to secure the rights of the community which have been entrusted to its keeping, by every means in its power consistent with justice.

Consequently the Quakers, the Tolstoyans and those infected with the errors of extreme pacifism are, as a matter of fact, preaching a doctrine which would certainly produce anarchy in this fallen world and which, if pursued to its logical consequences,[2] would disintegrate human society. For if a man or a commonwealth may not resist a foreign aggressor, they may not resist a domestic assailant. And if it is unlawful to defend oneself it is unlawful to defend others. And so criminals, collective or individual, would have a free hand, impunity would only give rise to more lawlessness, and although such anarchists would not succeed in making the world happier, even for themselves,

[1] The great merit of Belgium is that having done enough for honour and more than enough for justice, she still pursues resistance to iniquity even to the death. She is a martyr-nation in another sense.

[2] Of course it is not so pursued: and though we regard this doctrine of the Society of Friends as indefensible, we readily render our tribute of admiration for their staunch adhesion to convictions which are unpopular, and for their untiring and generous spirit of charity.

they would not find this out till they had destroyed civilization.

63. *Conclusion.* It must now be plain that the doctrine of the Catholic Church on war, rejecting alike the extremes of Militarism and Pacifism, is the only one which can stand the test of reason, revelation and experience. Pending the perfect establishment of God's Kingdom on earth, that is, the universal acceptance of God's Justice as the rule for all international, as well as national, dealings (an ideal which may never be wholly realized), there must occur from time to time instances of unjust and obstinate invasions of genuine rights. Pending the institution of an international tribunal on a stronger basis than that of the Hague, whose awards shall be backed by the combined forces of the civilized powers, there is no guaranteed peaceful way to settle such international disputes as may occur, in which each of the contending parties may be so convinced of the justice of its claims that it refuses to give way. In the one case and the other, things being what they are, war will tend always to recur. Evil as it is in many of its aspects and a deplorable necessity at its best, it remains the final means of preventing earth from becoming a pandemonium and humanity from lapsing into the brute.

Almighty God does not want war; on the contrary He has set up on earth a means of perpetuating with clearness, certainty and force amongst the changing generations, the principles of Christianity, the perfect observance of which would render war impossible and unthinkable. But He permits this terrible scourge, as He

permits other consequences of sin and of the rejection of revealed truth, to bring home to His erring children the folly of abandoning His plans and disobeying Him. Men have the power, denied to brutes, of living by reason and law; if they choose to live by passion and instinct they cannot wonder that they fall into brute conditions. International relations have to be lifted into the region of reason and justice if civilization is to be preserved. How they have fallen away from the Christian ideal is traced in Part IV.

(3) MODERN OBSTACLES TO RIGHT VIEWS ABOUT PEACE AND WAR

(*a*) *Mental and Moral Obstacles*

64. *False Philosophy.* The chief mental obstacle to the acceptance of the Catholic teaching about war is obviously that non-Catholic materialistic philosophy which looks upon human life and human civilization as the outcome of age-long evolution of matter and force (*see* n. 53). A philosophy which denies the self-sacrificing virtues emphasized by Christianity, is more or less influenced by disbelief in human liberty, and knows nothing of human destiny, cannot admit that war is sometimes, at least, the choice of free will and is nearly always preventable by the education of public opinion. This philosophy of force is the less easily refuted because it has allied itself and endeavoured to identify itself with patriotism, and can summon therefore to its support that natural instinct which, rightly used, is so provocative of noble virtues. It was the fervent patriotism of that inspirer of modern

Prussian militarism that made von Treitschke's glorification of war so plausible and so pernicious. Once one's country is conceived as an isolated body in a world of enemies dependent only on its own right arm for security and prosperity and unable to transmit the treasures of civilization except by making itself dominant in a military capacity, then one is naturally prone to think that actual fighting or preparations to fight form the chief duty of a patriot. So in that view, patriotism does become identified with militarism.

The evil of this identification does not lie in recognizing the fact that, *in the world as we find it*, force is the last resort in international dealings and that no State is secure of its rights, which has not the means and the will to defend them. The evil consists in thinking that this unfortunate condition of things is *inevitable* and, in a sense, desirable; that so and only so, the highest qualities of the race can be developed: whereas it is merely due to the fact that Christianity, which has more or less succeeded in civilizing social relations within each several State, has not yet succeeded (precisely because of the spread in modern times of the false philosophy aforesaid), in civilizing international dealings. Common sense teaches us that no real rights can ever be in conflict (for a real right carries with it a moral obligation to respect it) but rival *claims* may very well be opposed. The adjustment, therefore, of rival claims is not an impossible task in itself, and given goodwill and a genuine desire for justice, it should never be beyond the reach of friendly compromise. The least certain and the most expensive way of settling divergent claims, as we have seen, is that of war: that particular

physical process can never determine a moral question, any more than duels can be trusted to settle just disputes between individuals. The Jingo mind, with its prejudices concerning inevitable and insoluble rivalries between nations, is on the same moral level in the matter of international harmony as is the spirit of the duellist in social life.

65. "*Jingoism.*" This spirit, then, and its expression in speech and writing as well as in action, is one of the chief obstacles to international peace. A conviction of the supreme excellence of a nation, often based on no stronger ground than that it is one's own, is a comparatively harmless sentiment: it is the offspring of national prejudice and may be discounted. But when this feeling translates itself into a desire to compel other States to recognize one's national supremacy: when it is associated with expressions of contempt for other nations: when especially it claims a particular divine mission and sanction for its arrogance, then it is an insuperable barrier to international harmony, because it necessarily provokes feelings of resentment and irritation in other countries. National pride and zeal for national interests, which are lawful expressions of patriotism, become in the Jingo a mere extension of personal arrogance and selfishness. There is no virtue, unless it be religion itself, which so readily lends itself as a cloak to cover envy and meanness and hypocrisy and hate and covetousness as the noble virtue of patriotism. The true patriot is one who allows for the patriotism of others. His own love of country makes him capable of sympathizing with the like emotion in the foreigner and, though

he may be persuaded that the supremacy of his own State would make for the benefit of humanity at large, he will not work for that supremacy by unfair means nor resent similar convictions and aims in others. Human perfection is not exhausted in any one type, whether of individual or race, and each nation brings its contribution to the general sum. A man must, of course, love his own country the best: patriotism, just like well-ordered charity, begins at home: he may accordingly dwell upon its lovable qualities and its titles to fame, but his affection should not be blind; he should not overlook its faults. "My country, right or wrong," is the cry of one who does not understand the higher allegiance he owes to justice and truth.

It is unfortunate that, owing to the way poets have of selecting as their themes what makes for national glorification, and to the emphasis which orators naturally place on the same points, much patriotic literature, in every country is couched in a vein of boastfulness. Much of it, too, dates from days when men openly talked of "hereditary foes," and when national enmities were taken for granted. More frequent and easier intercourse, and closer intermingling of interests of various sorts have done much to banish this spirit of mutual contempt, at least in word, but so long as the inner intellectual cause remains, the evil is always ready to break out.

66. *Pessimism.* Another moral obstacle to the spread of peace is the attitude of mind and disposition called pessimism. The pessimist asserts that man has always fought, and that therefore he will always fight. History records a constant succession of wars, therefore wars

will mark it to the end. That wars will mark it *before* the end we have divine testimony.[1] The epoch of the world preceding the coming of anti-christ will be one of universal conflict. But there is nothing in Holy Writ, or in the nature of things, to prevent us from believing that the earth long before that time may possibly be lapt in universal peace. We have enough warrant in the history of civilization, even of civilization divorced from the formal guidance of the Church yet still influenced by her Spirit, to feel confident, not that war will cease altogether but that it will become a rare and transient phenomenon, just as serious crime is in a throughly well-policed community. If federation took the place of organized hostility, and arbitration were substituted for force as an instrument of justice, then the only fighting that would be necessary would take the form of a punitive or coercive expedition on the part of the Federated States against disturbers of public order or violators of the common law. "It needs must be that scandal cometh" in international affairs as well as in the more limited society of States. There will always be obstinate injustice in the world, necessitating repression by force, whether by the civil or the international police. But to decide positively on present data that Christianity which has done so much for peace within the State will never extend its influence to inter-State relations would seem to set limits to the power of its divine influence.

The pessimist, then, should reflect how many seemingly inveterate evils have disappeared with the growth of civilization. He should bear

[1] Matt. xxiv, 6.

in mind how Christianity elevated the earthly and formal morality of Judaism; how the agelong institutions of paganism—State absolutism, slavery, the worship of vice, cruelty—were undermined and shaken from the day of Pentecost; how the barbarians were tamed by the Church, gradually indeed and imperfectly, so that barbarism still lingered in such things as the practice of war, belief in witchcraft, in judicial torture, public drunkenness, religious persecution, and violation of conscience. He should think how these things, too, maimed though Christianity has been by the shattering of its unity at the Reformation, continue to yield to its lessened influence, where that influence has room to act.

These are grounds enough on which to base a reasonable hope that the process will continue and that war will follow the vendetta and the duel into the category of past horrors and follies. War will not cease, urges the pessimist, until human nature has undergone a radical change. Human nature does not change, and the three concupiscences are always there, at least in germ; but reason, too, is always there in order to control them. Human nature means the whole man, and man is not only animal but also spiritual. The libertine can become a saint by developing the spiritual and checking the animal part of him. Man is not only spiritual, but is, or may be, supernatural. No change in human nature, unless in the sense of its being thus elevated, is required to abolish war, but merely the spread of the higher ideals and more enlightened opinions contained in the profession and practice of Christianity. "All these things shall be added

unto you," if you subordinate your pursuit of material goods to your pursuit of righteousness. The pessimist is not only an imperfect Christian but a bad citizen. His croaking that war, whatever Christian influence may do, is inevitable, only helps to bring about the calamity he predicts.[1]

67. (*b*) *Material Obstacles*

(1) *The War Traders.* These two moral obstacles to the realization of international harmony, national individualism and pessimism —against which no profession of faith or unbelief appears to be proof, for they are found amongst all creeds—are supported by obstacles of a more material kind, *i.e.* by the presence in our civilization of interests which find financial or other profit in war. Self-interest has much power in determining moral views, in those at least whom Christianity has not thoroughly purged of selfishness, and whenever there is prospect of great financial gain from any practice or transaction, we find a strong bias already set up in the moral judgment. For this reason, and not from any cynical mistrust of human nature, it is now considered indecent that those who have the shaping of the public policy of the country should be financially interested in public contracts, still less should act as directors of companies which can be benefited by Government favour. It is felt not to be in the public interest that any man's impartiality of judgment should be subjected to so severe a test. But, whatever safe-

[1] De Quincey on this matter is suggestive, but somewhat pessimistic. *See* his *Essay on War* (Collected Writings, 1897, vol. viii, p. 369).

guards are adopted, unfortunately it happens in one way or another that in every country there are numerous and influential classes whose pecuniary interests are bound up with the continuance of war or rather of the preparations for war.

68. There is nothing, of course, in itself blameworthy in being a director or shareholder or an employee in an armament firm. Given the necessity of war preparation, those who are labouring by the contribution either of funds or of labour to make their country strong are entitled to find their living by so doing. The inventor who hits upon a still more terrible engine of destruction than any actually existing gives his country an advantage over others, even though his discovery necessitates the "scrapping" of much of the armament already in use. But all the same it is much to be regretted from the point of view of morality and international peace, that the material interests of any considerable section of the country should be directly dependent on the perpetuation of this barbarous and inefficient system of settling international differences, because this fact at once creates a situation in which private interest and public duty may be in conflict. So long as war-preparation brings profit to any considerable class, public opinion to that extent will be slow to realize the advantages of getting rid of war, and civilization will be handicapped in its progress by a continuance of international friction and by an ever increasing burden of unproductive expenditure. Everyone knows that temperance reform is beset with many difficulties, owing to the number of people who are interested

in keeping the liquor-traffic as it is. So it happens with regard to this greater object of establishing harmony between nations. The extent to which the immediate temporal welfare of thousands of people in each country is thus at variance with the good of humanity at large is hardly realized, yet there is no doubt that it forms one of the chief obstacles to the Christianization of international relations.

69. On the other hand, there are a number of trades which are now, though only indirectly, concerned with war—those, for instance, employed in feeding, housing and clothing the soldier—which trades would *not* be affected if the number of soldiers were reduced, because presumably the discharged men would still need food, clothing, and shelter. Similarly, although other civil businesses—horse-breeding, coal-mining, locomotive engineering, leather curing, boat building, etc.—receive very large orders from the "Services," there is no reason to think, if the energy now devoted to war-preparations were diverted into more productive channels, these trades would ultimately suffer any loss of custom. But loss, immediate and severe, would fall upon those many firms whose capital and machinery are wholly devoted to making munitions of war—ships, guns, powder, shells, cartridges, armour-plate, transport requisites, and a host of offensive and defensive weapons needed for actual fighting. It is in the existence of these private firms and especially in their combination into large trusts that the permanent danger lies. They would be ruined if war were to cease; hundreds of factories and shipyards with costly machinery would be closed down

and millions of capital wasted, were universal peace to reign. If these enterprises are to pay their workmen, shareholders, directors, war must go on; the more the dread of war increases the greater their prosperity. The growth of international friendship, the spread of arbitration, the settling of differences, the harmonizing of interests, the combination of energies, between the great States of the world—these Christian and wholly desirable things would at once lower profits and dividends. Short of the actual cataclysm (or even, for those on the conquering side, in the very heart and completion of it), the more that race-hatred and national hostility, and points of friction, and actual injustice are multiplied, the better financially for the traders in war-materials. As such, the ideal of Christian brotherhood must be abhorrent to them; as such, nothing is more to their interest than the spread of that false materialistic philosophy of which we have spoken; as such, they are all disciples of Bernhardi and would subscribe to the atheistic declaration of von Bülow, that it is a law of life and development in history that when two civilizations meet, they fight for ascendancy.[1]

70. Note that the evil of this state of things does not precisely consist in the fact that such war-preparations exist. Their existence is justified by the present state of the world; they will continue to be justified, like war itself, so long as they are necessary. The evil lies in the fact that this *manufacture is mainly in private hands*, that the defence of the nation is not wholly a public and national business but a matter of

[1] *Imperial Germany*, English trans., 1st ed., p 256.

private profit-mongering, that thus expenditure may be easily fostered irrespective of need, and that generally the public interest is almost necessarily subordinated to personal gain. The system militates directly against both national economy and security. On the one hand, the more changes in equipment, style of dress, form of weapons, etc., that can be devised in time of peace, the better for those who have to effect them. On the other, the more the international waters are troubled, the better is the fishing.

As is natural, their common interests tend to make all these armament firms unite in order to avoid the waste caused by competition and to secure the advantages of monopoly. As a matter of fact, some dozen large firms have contrived to gain such a preponderance that all the smaller ones are harnessed to their requirements and are practically their servants. And these larger firms, though nominally distinct, have a practical understanding with each other, even sharing sometimes the services of the same directors, so that they really form one gigantic trust, able to dictate prices without any danger of cheaper tenders.[1] In face of this combination the Government is powerless; only about one-fifth of our "Service" expenditure goes to State manufacturers[2]; these latter, in fact, have not

[1] These facts, which are notorious and are not denied, are set forth in a recent book called *The War Traders*, by G. H. Perris (National Peace Council). See also *The International Industry of War* (a pamphlet published by the U.D.C.); *The War Trust Exposed*, by J. T. W. Newbold, and *Dreadnoughts and Dividends*, a speech by Philip Snowden, M.P. One may take advantage of the information compiled by these writers without approving of all the deductions they make or the remedies they propose.

[2] In the present (1915) crisis, as is natural when the need

the means of providing all that is needed in the preparation for war; the State must either take the terms offered by the private firms or be destitute of powers of defence. It is not suggested that the profits are always exorbitant; it is enough that the Government has not access to a free market and cannot consult economy in its dealings.

71. Moreover, this unfortunate system has led to the practice of allowing ex-Government officials, with the very special knowledge acquired by long service in the Government departments, to act as directors and advisers of these armament firms. In this way, their monopoly is confirmed, contracts are facilitated through the experience and exclusive information possessed by these ex-officials. Again, the official secrets of the State being in a measure confided to these unofficial bodies, another hindrance to freedom of action is created. The drawbacks to this in many respects convenient arrangement become much more apparent when we reflect that many of these firms are cosmopolitan in their dealings and even in their constitutions! Consequently, British capital and labour are constantly employed in arming those with whom one day the country may have to fight! One may look upon this as an instance of what has been called the commercial solidarity of mankind, a modern phenomenon on which in some quarters great hopes of international peace are founded, but in effect it only increases the danger of war throughout the world. For reduction of armaments

is so abnormally great, the Government has taken the right of commandeering all available factories for the production of war material.

in *any* nation would affect the war-trade adversely, whilst on the other hand, it stands to gain in whatever quarters of the globe troubles break out. The United States and Canada have four thousand miles of common undefended frontier. *From the commercial war-traders' point of view* this is a terrible waste of possibilities; *they* would be much better served if the two nations were at daggers drawn, if warships swarmed in the great lakes and fortresses bristled among the prairies. Many people would reap colossal fortunes if Old World conditions were reproduced in the New and hostility took the place of friendship amongst the States of North America.

72. Let us add that the war-trade, actuated as it must be solely by commercial considerations, not only sells to every buyer amongst the civilized nations but has no scruple at arming barbarians with modern weapons of precision. Thousands upon thousands of English, German, and French rifles with ammunition to match have found their way, although the trade is illicit and governments maintain gunboats to prevent it, into the hands of Africans and Asiatics. One need not be astonished at this crime against civilization, which the civilized nations have to labour constantly to check, for the sacred thirst for dividends has not stopped at even worse breaches of patriotic instinct. The history of every great war reveals the appalling callousness with which contractors have jeopardized the health and safety of their own soldiers in the campaign by supplying defective weapons and equipment. The fact is that it requires strong virtue and a rare sense of honesty to resist temptation to amass money rapidly by more or less crooked

means which is presented by a great military crisis.

73. The trade, indeed, is enormous. In this country the normal peace expenditure for both Services has risen to about £100,000,000 a year. All over the earth the money directly absorbed in war-industries is reckoned at between 400 to 500 million pounds annually. Hence the tremendous interests involved and the vast number of shareholders concerned. The modern company-system allows the most pacific to profit by war; the widow and the orphan derive their little all from a fortunate investment in this business which rarely suffers depression. Worse still, those highly placed in the land, those who, like peers and Members of Parliament, have a voice in shaping the policy of the country, are deeply interested in the prosperity of armament firms, which perhaps explains to some extent why, whilst all sensible men recognize the folly and futility of the "Race for Armaments" (so terribly demonstrated by the present war) and many constantly proclaim their recognition of it, no effective steps have been taken in any country to put a check upon it.

74. It is easier, in this case as generally elsewhere, to point out the abuse than to devise a remedy. The ideal thing would be for each nation to take the monopoly of its own war preparations and to forbid any export of munitions. Then whatever advantage there was in the business would go directly as wages or salaries to the officials employed, and the tax-payer would not have to pay the profits of the middleman. But, as things are, this would mean a very great outlay in taking over the existing factories

and plant with just compensation, and the State would be further exposed to the dangers of loss through the fluctuations of business. Private firms can compensate for occasional slackness in war orders by development on other lines, *e.g.* Armstrongs, Vickers, and the B.S.A. do very large *general* engineering business; this is not easy or perhaps possible for the State without great disturbance of ordinary business. Here, however, we are engaged upon pointing out the influences that make for the permanence of the war idea, and we can state the remedies only in general terms. It is obvious that, if peace is to dawn at last upon this distracted earth, some measures must be taken to prevent the continuance of a system by which the financial prosperity of a large and influential group of people in every great country is intimately connected with the perpetuation of international hostility. So stated the idea is a truism—the merest common sense. Yet it will need powerful and persistent efforts to convert it to a reality.

75. (2) *The Military Caste.* Second to "Kruppism," as it has been called, as an obstacle to peace may be reckoned the influence of certain elements amongst the combatant caste. In discussing this, we must first disclaim any hostility to the soldier or sailor as such. They are men engaged in a noble task; their ideal is a high one; they stand between the citizens and all that would disturb their peace and hamper their prosperity; they are prepared to sacrifice life and health and liberty to achieve this end. There is no higher service a man can render his country than to give his life in her defence in a just war. The soldier by his profession lives and dies in

the service of justice and morality. When, therefore, we call the fighting man whether by land or sea an obstacle to peace, we must not be taken to deny that under another aspect he is a means to peace, an agent preventing peace from being violated and re-establishing it when it is overthrown. As Tennyson aptly says of man in general:

> He needs must fight
> To make true peace his own;
> He needs must combat might with might
> Or might would rule alone.[1]

Moreover, we may grant that the majority of professional combatants—practically all the rank and file, and most of the subordinate officers—are as little likely to be provocative of war as any civilian. Though they are familiarized with the thought of war, and have become experts in the art of destruction and have therefore the less horror of its essential barbarism, they have generally so little to gain from the actual experience of it, and indeed, so little to say to bringing it about, that they cannot be considered as dangers to peace. The influences at work in the Army and Navy to make the idea of war not unwelcome—the desire for promotion and distinction, the wish to "see service," to test theories, to display courage and ability—are mainly operative among junior officers who are young and ardent, or in the high commands who can give effect to their views. It is natural and in no wise blameworthy that it should be so. A keen professional man is rightly alive to chances of exercising his profession, and the keen combatant need not be a militarist—

[1] Epilogue to *Charge of the Heavy Brigade.*

Who loves war for war's own sake
Is fool or crazed or worse :
But let the patriot soldier take
His meed of fame in verse.[1]

It is a wise mistrust of the soldier's impartiality in this matter that has prevented under British rule what is so common outside the Empire, viz. the employment of professional combatants in supreme national command of Army and Navy. What results from a contrary system may be seen in Germany of to-day where civil rights are always subordinated to military, and where the soldier, instead of being the servant of the State, has become its master.[2] The tolerance of such a system amongst powerful nations must always be an obstacle to peace.

The lesson which we may derive is that the best hope for the further mitigation of war lies in a high standard of character being maintained among soldiers. In peace considerations of law and justice may be acted on by nations, and the action taken on such grounds will in its turn help to mould the character. In war the stress is such that no considerations can be relied on for determining action but those which are already incorporated in the character. The determination of action in war lies practically with two classes, commanders by land and sea, and statesmen: the people, once excited enough for war to have broken out, will approve of any measures

[1] Tennyson, Epilogue to *Charge of the Heavy Brigade.*

[2] Even Bismarck, in later days, saw the danger to peace of the military caste. He writes in his "Memoirs": "It is natural that in the staff of the army not only young active officers, but experienced strategists also, should feel the need of turning to account the efficiency of their troops and their own capacity to lead, and should wish to make themselves renowned in history. It would be a matter of regret if that feeling did not exist in the army. However, the task of keeping that feeling within such limits as the nation's need of peace can justly claim is the duty of the political, not the military, heads of the State." (Quoted in the *Nineteenth Century* for April 1915.)

which their commanders and statesmen recommend for carrying it on. And of those two classes the commanders are much the more important for our present purpose, because their opinion of what necessity requires will influence the statesmen. . . . And those are mistaken friends of humanity who, by decrying the military and naval professions, do their best to keep good men out of them, and thereby to lower the standard of their character.[1]

76. (3) *The Yellow Press.* We now turn to a third material obstacle, which again is the organized expression of something moral—the attitude of a certain section of the Press towards war and peace. This, as we implied, is mainly the Jingo spirit asserting itself through this particular medium. But it is something more besides. It is also a display of commercialism *versus* peace in another form. In both cases it makes for the perpetuation of war. The Press is the chief means by which public opinion becomes articulate, for even the spoken word relies for its power on the wider audience it reaches through print.

If then any section of public opinion is imbued with the principles of militarism, this will appear in its party journals; in them the advantages, the nobility, the inevitability of war will constantly be harped upon; in them will appear a truculent tone towards other nations, an exaggerated assertion of national rights, a contemptuous assumption of superiority over others—all the vices already dwelt on of an overblown patriotism. And if they are numerous and influential they may succeed in making war. The Spanish-American War was undoubtedly

[1] Professor Westlake, *Chapters on the Principles of International Law*, pp. 270, 271.

made by the violent "Yellow Press" of the States, led by one unscrupulous politician, which took the reins from the hands of the diplomats and precipitated the conflict.

Periodically in the years before the present war a Press campaign in Germany against Russia or France or England precluded some aggressive move of Prussian statecraft, and had its reflection, feebler but no less militarist, in the Press of the countries assailed. A journalist with no sense of the responsibilities of his calling, or, worse still, content to sell his pen to some commercial venture or some political clique, may do much harm to his country by utterances provocative of hostility. And we cannot say that the Jingo journal has ceased to exist, any more than the Jingo politician.

77. But the Press need not be militarist by conviction in order to prove an obstacle to peace. It is enough that the Press must be sensational. In this organism, as in the physical frame, life depends on circulation, and circulation is best promoted by sensation. Now there is no sensation so stimulating as that caused by war, or rumours of war. War, no doubt, causes much expense to newspapers on account of the necessity of providing and equipping correspondents and buying news; and it may be that, in actual war itself, a particular journal may not clear a very large profit. But in all the preliminaries of war, before the need of special services has arisen, there is much to arouse and excite the public mind, and there the paper has its chance. Hence, the spreading of unfounded reports, the exaggeration of slight incidents, the retailing of insults, the surmising of motives, the garbled

record of diplomatic action, the general "scare-mongering," the whole unchecked publicity given to whatever disturbs and inflames.

All this doubtless increases the paper's circulation, but it may also grievously injure the nation; and one unscrupulous journal, so keen is the competition, has the power of setting the tone to all the rest. Consequently, whatever unrest there may be in international affairs is immensely enhanced through the sounding-boards and megaphones of the Press.

78. It may be urged that peace and good-fellowship stand equally to benefit by the same means. No doubt they would, if only the influences which tend to international harmony were as sensational as those which disturb it, and if only the public mind which the newspapers reflect were cleared of the illusions which we have been considering—the inevitability of war, for instance, the inutility of arbitration, the "unchangeableness" of human nature, the "failure" of Christianity—that general hotch-potch of pessimism and materialism that so dominates modern political philosophy. On this account, the influence of the contemporary Press, even apart from the "yellow" variety, is more militarist than pacifist. And the remedy is not Government control, which is impracticable even were it prudent, but a return of the public mind to the Christian outlook; which educative reform will doubtless be helped by the multiplication of sane utterances by responsible people on the subject, and especially by the persistent putting forward of the traditional Catholic teaching about war and peace.

PART III

EFFORTS TOWARDS PEACE

PART III

EFFORTS TOWARDS PEACE

(By the Editor)

(i) WRONG AIMS AND METHODS

79. We have seen that not every effort towards peace is to be commended. There is such a thing as a false Pacifism. Its upholders are doing a disservice to the cause of peace: for the demonstrable wrongness of their aims or methods (or both) only brings Pacifism into disrepute and leads to a reaction in favour of the other extreme, Militarism.

We have now to consider some of these wrong aims and methods. Of the doctrine of non-resistance enough has been said, so we may turn to some of the other roads which are erroneously thought to lead to universal peace.

(*a*) A World State

80. To secure universal peace by world conquest is an idea that has presented itself from time to time to national leaders. There is an attractive simplicity about it. War results from quarrels between States. If there were but one well-controlled State there would be no wars.

The dream of a single empire with authority over the civilized world, or at least over Europe or the greater part of Europe, survived the fall of Rome. It inspired in various degrees Charlemagne, Rudolph of Habsburg, Charles V, Peter the Great, Catherine, Napoleon. It has floated before the pan-Germanists and our own super-Imperialists, whose ideal is expressed by the words of the popular song:

> Wider still and wider shall thy bounds be set.

It would be too much to assert that all these, in their lust for world-conquest, have been actuated by a disinterested desire for world-peace. Yet political philosophers have undoubtedly commended such world empire precisely because they thought that it would ensure universal peace.

Now the ideal of a World-State is a mischievous ideal. It is not because it can never be wholly realized that it is a mischievous ideal. Many sound and useful ideals may never be wholly realized, yet they show us what to aim at, and every step towards their realization is an advantage gained (*e.g.* the ideal of international morality). But the World-State ideal takes us in a wrong direction. This may be shown in two ways:

(1) In the first place, States like other organisms have a certain definite size beyond which they cannot healthily grow. That "natural" size may vary: it is increased by improved methods of communication. But it can certainly never include the greater part of the globe. There is a limit to the amount of material which can be bound together in true political unity.

To attempt to exceed it will lead to what may be called political indigestion. In this matter we are apt to be misled by the imagination—to call abnormally strong that which is merely abnormally fat.

There are scarcely any limits to the extent to which a powerful State may extend its conquest of others. But conquest is not government. Government should be for the advantage of the governed; and such government, involving as it does sympathy, understanding, leisure, etc., must, if unduly increased in scope, overtax the governors and hinder the development of the governed. As Professor Seeley has said:

> When a nation extends itself into other territories the chances are that it cannot destroy or completely drive out, even if it succeeds in conquering them. When this happens it has a great and permanent difficulty to contend with, for the subject or rival nationalities cannot be properly assimilated, and remain as a permanent cause of weaknes and danger.[1]

Even in the limited empires of to-day we find numerous instances of the imperfect assimilation of subject races. In a World-Empire the difficulty would be enormously increased.

(2) Again, the ideal of world-empire is in conflict with such natural facts as nationality and such invaluable moral forces as patriotism. Just as national spirit would suffer were the State to weaken the family spirit, so internationalism and civilization in general would suffer were the national spirit to be obsessed by the domination of a World-State. Family rights must be protected or the nation will suffer: national rights must be safeguarded or humanity will

[1] *Expansion of England*, lect. iii.

suffer. Patriotism, like family affection, will not stand being diluted. Plato made the mistake of wishing to substitute love of the State for love of one's parents: Aristotle pointed out that patriotism would become thin and watery unless intensified in the family. In the same way, love of humanity must be learned in the school of Patriotism.

(*b*) Aggressive Imperialism

81. Realizing that the idea of World-Empire is nowadays impracticable, some seek world-stability in the establishment of several competing empires, dividing between them the whole surface of the globe. They hold that every step towards the breaking down of nationalism is a step towards internationalism and peace.

But again, such political evolution follows a false path. No doubt, as we shall see, there is need of more cohesion among the nations, and stability must be sought in federation rather than in national isolation. But aggressive or parasitic imperialism blocking domestic reform and subordinating the welfare of conquered races to the interests of investors and traders, does not make for peace.

Internationalism can never be subserved by the suppression or forcible absorption of nations; for these practices react disastrously upon the springs of internationalism, on the one hand setting nations on their armed defence and stifling the amicable approaches between them, on the other debilitating the larger nations through excessive corpulence and indigestion. The hope of a coming internationalism enjoins above all else the maintenance and natural growth of independent nationalities, for without such there could be no gradual evolution of internationalism, but only a series

of unsuccessful attempts at a chaotic and unstable cosmopolitanism.[1]

The need of a healthy nationalism as a first step towards internationalism has lately been insisted upon by British statesmen. Thus Mr. Winston Churchill has said:

> Let us, whatever we do, fight for and work towards great and sound principles for the European system. The first of these principles which we should keep before us is the principle of nationality—that is to say, not the conquest or subjugation of any great community, or of any strong race of men, but the setting free of those races which have been subjugated and conquered. And if doubt arises about disputed areas of country, we should try and settle their ultimate destination in the reconstruction of Europe which must follow from this war, with a fair regard to the wishes and feelings of the people who live in them.[2]

Similarly Mr. Asquith at Dublin:

> Room must be found and kept for the independent existence and free development of the smaller nationalities—each with a corporate consciousness of its own.[3]

In the same speech Mr. Asquith pointed out that what was needed was "a real European partnership, based on the recognition of equal right and established and enforced by the common will," in place of the present competing ambitions, groupings and alliances and a precarious equipoise.[4]

Of the Balance of Power (*see* n. 41) as a method of securing international peace, Lord Ripon wrote in 1869:

[1] J. A. Hobson, *Imperialism*, pp. 319, 320.
[2] Speech at the London Opera House, September 11, 1914.
[3] *Times*, September 26, 1914.
[4] See also *The War and Democracy*, chap. ix; *The Anglo-German Problem*, by Charles Sarolea (Nelson, 1*s*.); *The Value of Small States*, by H. A. L. Fisher (Oxford Pamphlets, 2*d*.).

"It is no longer necessary to discuss it. This weak and unsuccessful palliative . . . has been all but utterly destroyed by the stern progress of political action. It has vanished out of sight altogether with the Congress of Vienna which witnessed to its last will and testament."[1]

(c) Exclusive National States

82. The perils of World-Empire and of aggressive Imperialism have led some to advocate the opposite extreme of exclusive national States. Each nation should form a separate State, enclosed, as it were, in a water-tight compartment.

But this, again, would be contrary to the natural evolution of world politics. It would involve an impracticable breaking up of societies which have proved beneficial.

The great States or Powers of to-day are not Nation-States but composite States—States compacted of many nationalities united together by a common citizenship and a common law . . . and where the wisdom of the central government has not "broken the bruised reed or quenched the smoking flax" of national life, the nations have been not only willing but anxious to join in the work of their State. Nations, like men, were made not to compete but to work together. . . . It takes all sorts of nations to make a modern State.[2]

The combination of different nations in one State is as necessary a condition of civilized life as the combination of men in Society. . . . The co-existence of several nations under the same State is a test as well as the best security of its freedom. It is also one of the chief instruments of civilization; and, as such, it is in the natural and providential order, and indicates a state of greater advancement than the national unity which is the ideal of modern liberalism.[3]

[1] *The Month*, vol. x, p. 447.

[2] *The War and Democracy*, pp. 369, 370.

[3] Lord Acton, *The History of Freedom and other Essays*, pp. 290, 298.

(*d*) COSMOPOLITANISM

83. Many are of opinion that universal peace is to be secured, not by political groupings, but by the growth of *common interests* among all the members of the civilized world. If the ties which bind all civilized people to one another are sufficiently strengthened and realized, war, it is thought, will become an impossibility.

It may be said at once that there is a great deal in this contention. The method put forward is inadequate rather than wrong. Its weakness lies in the fact that its advocates usually isolate one particular class of interests and think that they will act as a sufficient barrier against war.

Thus, for instance, some writers urge that *economic* considerations are conclusive against war. Get the people to see that war does not pay and they will refrain from making war. In this view the one and only lever of pacifism is a calculating love of money.

But in the first place history shows us that it is not only love of money that leads to war. Even could it be shown that war always involved even the victors in material loss, the seeds of war would not be destroyed.

Moreover, though war may involve the nation as a whole in economic loss it may happen to be profitable to those very individuals who are in a position to foment it.

For economic pacifism *see* Norman Angell's *Great Illusion*. For a criticism of his contentions see *The Passing of War*, by W. L. Grange (Macmillan, 1912).

(*e*) International Socialism

84. The immediate and complete collapse of the Socialist *International* at the first shock of war is another object lesson in the futility of any doctrine that fails to take into account all the facts of the position. Socialists have always given great credit to themselves for being the foes of war and the friends of peace. They called themselves "Internationalists," and they claimed that their movement would make war impossible by uniting the workers of the world on the basis of their common class interests. We now know that Socialists could not prevent Europe being plunged into war. The Socialists plead that their failure was due to the fact that their movement was not sufficiently grown, that given more time they would have educated the workers of the world in international principles and then the workers would never have allowed the war. But this plea is invalid. What the war has proved is, not merely the weakness of the *International*, but its utter unreality. On the eve of war Socialists of all countries poured forth manifestos in pious denunciation of war; nevertheless the Socialists of each particular country supported almost unanimously their particular Governments in entering upon the war. All the pre-war threats of a "general strike" in the event of war were forgotten. German Socialists voted the war credits in the Reichstag and marched to ravage Belgium, afterwards repeating the official German plea that the attack on that unoffending country was justified by "military necessity." French and Belgian Socialists rallied to the defence of their respective countries. The *International*

was no more. In spite of the demands of Socialists in neutral countries, the International Socialist Bureau, which is the executive of the *International*, held no meetings after the declaration of war.

Attempts to organize an International Socialist Congress were equally fruitless so far as the belligerents were concerned, although the American Socialists offered to bear all the expenses of the Congress. Two Socialist conferences have been held, one at Copenhagen and the other at London; but the first was confined to neutrals, and the second was confined to Socialists from the allied countries. There is now no pretence of amity between the Socialists of hostile countries.

Why has International Socialism proved such a failure when brought to the test? The reason is that its doctrine was false. It refused to recognize the facts of different national interests, and it persuaded itself that wars are only waged for the economic benefit of the capitalist class. The events of August 1914 forced Socialists to recognize the reality of nationalism: they were forced to recognize also the inadequacy and inapplicability of their international shibboleths, and they accordingly dropped them. National feeling triumphed everywhere over party difference and class difference.

International Socialism and the War, by A. W. Humphrey (P. S. King & Son), contends that the *International* did not really abandon its principles during the war. It was defeated but not disgraced or disbanded. But *cf.* H. Somerville's article on "Socialism and the War" in *Studies*, December 1914.

(ii) RIGHT AIMS AND METHODS

85. We have examined some of the efforts by which men have sought to abolish war. We have seen those efforts to be either defective in aim or inadequate in method. Not one of them could attain its object, though some of them might contribute something towards it. They are useful in so far as they keep prominently before men's eyes the ideal of peace as the normal and desirable state of the world.

It now remains to consider some methods of working towards peace which are free from the errors just considered and which are more likely to be effective. But let it be said at once that there is no short cut to international stability: it can only be secured by laborious work upon uncertain material.

(*a*) Education of Public Opinion

86. The first method, which, though remote, is of the greatest importance, is the education of public opinion with a view to securing:

(1) The subordination of international relations to the moral law.

(2) The right subordination of national interests.

(3) The cultivation of true as opposed to false nationalism.

(4) Increased popular control over foreign policy.

How precisely this education of public opinion may be secured will be considered presently. Let us first realize its importance.

Nothing can resist steady, united, and enlightened

public demand. It is now recognized in every country that the formation of public opinion is of more importance than appeals to princes or politicians. Legislation is of little avail unless supported by public opinion. It might be thought that although public opinion is omnipotent within the nation, its influence does not extend to international relations. This is not the case.[1] Given a healthy development of public opinion in all the great Powers, it will affect their mutual dealings. It will insist upon controlling foreign policy in accordance with justice and charity.

Professor Westlake has pointed out that the very vagueness of international law gives more scope for the influence of public opinion:

"If a branch of law is still free to develop itself under the influence of public opinion, the student has the power, and with it the responsibility and the privilege, of assisting in its evolution. . . .

"International law being the science of what a State and its subjects ought to do or may do with reference to other States and their subjects, every one should reflect on its principles who, in however limited a sphere of influence, helps to determine the action of his country by swelling the volume of its opinion."[2]

87. There are, then, four directions in which public opinion needs to be educated:

(1) It must learn the need of *subordinating international relations* and politics generally to the moral law. The people must be convinced that the moral law binds States as well as indi-

[1] For the influence, actual or possible, of public opinion upon international relations, see *The War and Democracy*, pp. 224–232; H. G. Wells, *The Peace of the World* (London, *Daily Chronicle*, 6d. net.)

[2] *Chapters on the Principles of International Law*, p. 274, v.

viduals, and that its observance is the only way to secure international peace. Not only must public opinion regard a treaty as being as inviolable as a commercial contract, but it must be impressed with the truth, taught by reason and reinforced by Christianity, of the brotherhood of man.[1]

(2) Secondly the peoples of the world must be impressed with the fact that *various national interests* are to be *subordinated* to one another according to their true value.

It is sometimes said that the interests of different nations are bound to conflict. But this is only true when nations put lower interests in the place of higher. If every nation aimed at its highest interests there would be no occasion for war; just as, if employers and workers aimed at their highest interests there would be no occasion for strikes and lock-outs.

There is a deplorable tendency, among individuals and States alike, to lay the entire stress on those interests which are *capable of exact measurement*. They do not realize that even temporal welfare consists not in having many things but in having the right things. Just as the health of a man does not depend on his size or his money, so the welfare of a nation is not to be estimated by the extent of its territory or the amount of its wealth. The highest interests of a country cannot be reckoned in figures. Among them is peace, which is, moreover, a condition of the rest.

In this matter we have something to learn from the Stoic philosophers, whose fundamental principle was

[1] *Cf.* W. S. Lilly, *On Right and Wrong*, chap. vi, *The Ethics of Politics*.

that man ought to live comformably to his reasonable nature. They equivalently reached the Utilitarian maxim, " the greatest happiness of the greatest number." If happiness is not judged simply as quantity of pleasurable feeling or sentiment but as satisfaction in the good conscience which always seeks the right thing, then their principle is highly to be approved. English society owes many reforms to our Utilitarian school in spite of its defects.

(3) Thirdly, public opinion must be exerted in favour of a *true* as opposed to a false *patriotism.*

It is no necessary part of patriotism to desire or to strive that our particular country should be at the head of the human race. We may rightly desire that our national virtues should win recognition and that our country should occupy that place in the assemblage of peoples to which her degree of civilization entitles her. But our estimate of that place must not be prejudiced, nor oblivious of the claims of other nations : still less must we seek to occupy it otherwise than by fair means. Patriotism is one of the natural virtues, correcting to some extent the inborn selfishness of the individual but capable itself of ministering to that selfishness, unless in its turn spiritualized and otherwise conditioned by Christianity. Christianity reveals the true motive of patriotism—the love of our fellow-citizens precisely as such, people, *i.e.* associated with us by God's Providence either in racial origin or in the same social polity or in both ways. Catholic Theology clearly states that patriotism, the love of the fatherland, consists essentially in the " love of our fellow-citizens and of all the friends of our country." [1] God has brought us into close relations with them for our mutual benefit and therefore has obliged us to show them a special regard.

But, at the same time, Christianity, whilst spiritualizing this natural instinct, is also careful to mark its

[1] *See* St. Thomas, *Sum. Theol.*, i–xi, q. 101, a. 1. Love, so far as it is rational and not merely emotional and instinctive, can exist only between rational personalities. " Our country " in the patriotic sense is not so many square miles of earth but the community of our fellow-citizens organized for temporal well-being.

proper bounds. It emphasizes the fact of the common origin of mankind and still more of its common destiny. The Sovereign States which now divide the allegiance of human beings on earth have no counterpart in the one eternal Heavenly Kingdom, where the essential Brotherhood of men will find its full development in the light of the unclouded Fatherhood of God. Earthly patriotism, therefore, must take account of the fact that the whole human race are, in God's design, potential citizens of the same abiding city: their present divisions are but temporary and superficial, serving a useful end in providing the competition necessary for progress, but never intended to produce estrangement, much less hatred and hostility. In regard to the Christian, the fact that Christ so loved and loves each individual soul that He gave His life for its salvation makes it impossible for him to regard members of alien nations with dislike or contempt, simply because they are foreigners. There is a bond between him and them far stronger and more permanent than anything that separates them. He loves his own nation best, as in duty bound, but he can sympathize too with other nationalities, God's children like himself. The agnostic knows nothing of this motive or its basis. For him the nations are necessarily rivals, organized for mutual combat to secure the best share of a limited earth. If there is comity between them, it arises from self-interest, from the fact that, in some particular, combination is more useful than competition, but there is no lasting basis of agreement. Godless patriotism is merely the natural instinct binding men together on the merely natural grounds of mutual help and defence, and completely devoid of any supernatural check. Hence it easily degenerates into national pride, the fruits of which are militarism or jingoism.[1]

(4) Fourthly, public opinion must be exerted in favour of *increased popular control over foreign policy*.

There is a widespread feeling that the Foreign Offices of Europe do not sufficiently represent

[1] *See* Cardinal Mercier's Pastoral, *Patriotism and Endurance* (Burns and Oates, 2*d*.); *Patriotism*, by Percy Dearmer, D.D. (Papers for War Time, No. 13).

the better mind of the people, and that the public should control foreign policy as they control (or are supposed to control) domestic policy. This is all the more important since foreign and domestic affairs in these days react so powerfully upon one another.

Thirty years ago a resolution was moved in the House of Commons to the effect that:

In the opinicn of this House it is not just or expedient to embark in war, contract engagements involving grave responsibilities for the nation, and add territories to the Empire, without the knowledge and consent of Parliament.[1]

The motion was only lost by four votes. At the time of the Agadir crisis in 1911 and still more emphatically on August 3, 1914, a demand was made in the House of Commons for greater democratic control in the sphere of foreign policy. Of late years, indeed, the demand has been expressed very widely. A leader in *The Times* for November 23, 1912, contained the following much quoted passage:

Who, then, makes war?

The answer is to be found in the Chancelleries of Europe, among the men who have too long played with human lives as pawns in a game of chess, who have become so enmeshed in formulas and the jargon of diplomacy, that they have ceased to be conscious of the poignant realities with which they trifle. And thus will war continue to be made, until the great masses, who are the sport of professional schemers and dreamers, say the word which shall bring, not eternal peace, for that is impossible, but a determination that wars shall be fought only in a just and righteous and vital cause.[2]

[1] March 19, 1886.

[2] *See also* the quotations from Lord Bryce, Lord Rosebery and Mr. Austen Chamberlain given in a pamphlet entitled *Parliament and Foreign Policy*, by Mr. Arthur Ponsonby, M.P.

The plea for democratic control is always popular, but it needs close scrutiny for it may cover mere personal animosity against particular ministers or become the party cry of a political clique.

In the first place we meet the difficulty of securing a control which really *is* popular, and not that of a caucus. It would not mend matters to take foreign affairs out of the hands of professional wire-pullers and entrust them to amateur wire-pullers.

The Union of Democratic Control advocates "the creation of adequate machinery for ensuring democratic control of foreign policy." But such machinery tends to be inadequate by ceasing to reflect popular feeling.

Secondly we have to ask how far democratic control, even if genuine, is a guarantee of peace. Lord Cromer[1] is of opinion that "all the lessons of history go to show that the rule of Demos is no surer guarantee against war than that of oligarchs or despots,"[2] though he acknowledges that the present trend of democratic opinion is distinctly towards peace.

We may perhaps rest satisfied with this latter admission. Democracy in the past may have been bellicose (it was in the name of the people that Mazzini appealed to the English middle classes to join in the revolutionary movement,[3] but the modern progressive democracy, though ready to fight with stubborn courage in a cause

[1] *The Times*, April 19, 1915.

[2] Lord Cromer's historical instances are not, perhaps, very convincing. Greek and Roman "democracy" rested on a slave-basis, which makes all the difference.

[3] See *War and Democracy*, pp. 223, 224.

which it sees to be just, is peace-loving by sentiment and interest.

Yet there still remains a difficulty. Democratic controllers though aiming at peace, might actually have less patience in bearing diplomatic pin-pricks than has been shown by British diplomatists. Such at least is Lord Cromer's view in the letter already quoted. He describes himself as having " skated over very thin ice " for twenty years in Egypt and conjectures that had he been, during that critical period under the orders of " a Committee of the House of Commons composed of very well-intentioned but not very well-informed or experienced Parliamentarians," instead of having to deal with such statesmen as Lord Salisbury, Lord Rosebery, or Lord Lansdowne, we should either have evacuated Egypt and been landed in serious embarrassments or we should have adopted some heroic measure which would have excited the French to fury.

This leads us to ask what sort of Parliamentary control of foreign policy is possible and desirable.

As regards this country we have, as a matter of fact, as much democratic control over the Foreign Office as over other Government departments. The Minister for Foreign Affairs is a member of Parliament elected by the people, and Parliament can reject his policy or criticize it.

But, it is urged, they cannot criticize it for they are kept in the dark about it. On this matter Lord Cromer [1] writes :

An incalculable amount of harm has in late years been unquestionably done by some individual non-British 'diplomatists, and Continental diplomacy has not in some cases altogether shaken itself free from the

[1] *Loc. cit.*

detestable traditions of the eighteenth and nineteenth centuries, of which Frederick the Great was the principal apostle and the whole tribe of Treitschkes and Bernhardis the main latter-day representatives.

but he emphatically denies that such secrecy is to be found in British diplomacy :

My experience is that there have never been any important "secrets" in British diplomacy which, from the point of view of public morality or policy, could not unobjectionably have been proclaimed on the housetops, and, moreover, that the efforts of that diplomacy have been steadfastly, and often very successfully, directed in order to ensure the maintenance of peace.

However this may be, it would seem to be impracticable and undesirable to entrust the *details* of foreign diplomacy either to Parliament as a whole or to a Parliamentary Committee. Executive and legislative functions should not be confused. But what can and should be done is to entrust the people, not with the details, but with the principles of our foreign policy, and to encourage popular interest in foreign affairs.

One practical suggestion deserves serious consideration : namely that we should separate the control of domestic affairs from that of foreign affairs, committing the former to the existing Parliament and Cabinet, and the latter to an Imperial Parliament and Cabinet.

See *The War and Democracy*, pp. 221–236, for an admirable discussion of this subject.

METHODS OF EDUCATING PUBLIC OPINION

88. (1) *Study Circles and Classes.* The great impetus which has been given to popular education by means of study circles during recent years, points to the most effective method of forming

a sound public opinion. Experience shows that a group of men who have formed their convictions by serious study may leaven the mass of public opinion in their district and even counteract the immoral influence of a corrupt press.

Such bodies as the Workers' Educational Association, the Brotherhoods, the National Home Reading Union, the National Adult School Union are all promoting this effective method of education, and to them must be added the Catholic Social Guild and the other guilds and unions of the various denominations. A Council for the Study of International Relations (1, Central Buildings, Westminster) has been formed, the aim of which is:

> to assist people to understand something of the issues raised by the war, the master ideas which lie at the foundation of our national life, the history of Europe, the philosophies behind policies, and the economic and ethical problems which the war will bequeath to the world. Beyond this is the larger task of education in true feeling and insight, and the reconstruction not merely of the material fabric of civilization, but also of its moral and spiritual basis.

The Council lays special stress upon the singular effectiveness of study groups.[1]

(2) *Popular Literature,* such as is being produced in increasing quantities by various Christian bodies. It is a duty of enlightened citizenship to give the widest possible circulation to such literature. Those who are competent should write judicious articles for the papers, and take every opportunity of protesting against the "Jingoism" of a corrupt Press. We are here up

[1] See *How to Organize a Study Circle,* C.S.G., 1 Victoria Street, S.W. (1*d.*, post free).

against a power which is as unscrupulous as it is powerful. But we must remember that a people gets the Press it deserves. As Lord Courtney said at a public meeting:

> The Press is a social secretion. It comes into existence and is maintained because in some way it too nearly suggests that suspicion which you and I share.

Improve the tone of public conscience, train the people to think for themselves, and the sting will be taken out of the "yellow press."

(3) *Instruction in Schools.* Christian schoolteachers and educational authorities have a unique opportunity for forming the minds of the coming generation to right notions of patriotism and international relations. Merely to cheer the Union Jack and to contemplate the red-splashed surface of the map of the British Empire will not exorcise the savage that lurks in the child. "Empire day" celebrations may become a mere orgy of self-righteousness. True patriotism should foster humility and a sense of responsibility of justice and of kindliness.

(4) *Peace Societies* working on sound lines may do much to form local, national, and international public opinion. Until lately peace societies have been regarded by public men as harmless or even mischievous collections of cranks. Their exaggerations have in some cases merited such a reproach. But during the past fifteen years their value, when soberly conducted, has been more and more appreciated. Undoubtedly their influence will extend unless they bring discredit on a good cause and provoke a reaction. They must refrain from urging measures which find no justification in the facts of human nature (*e.g.* the

denial of the right to self-defence), which are inconsistent with enlightened patriotism, and which would only have the effect of weakening national defences without any corresponding benefit.

(5) *Other International Societies.* We may here refer to the various international societies which, though not primarily aiming at the securing of peace, have nevertheless an enormous effect in promoting a sympathetic understanding between men of different nationalities united by a common interest. Religion, science, art, education, commerce and industry bring men together in innumerable congresses and impress upon them the inter-dependence of modern nations in the pursuit of human welfare. We may also mention the recent interchanges of visits between municipalities, working men, journalists, etc., of different countries.

It may be objected that all these things were powerless to avert a general European war. That is true. Yet they have not been without result The snapped threads may be rejoined and the pity of the breakage will come home to all who have felt the value of international converse.

(*b*) International Christian Action

89. It cannot be too often or too emphatically repeated that Christianity must take the leading part in the work of bringing international relations once more under the moral law.

The moral law, it is true, is based on reason (*see* n. 5) but Christianity alone can make it prevail. Apart from Christianity, international law will degenerate into a barren code of ineffectual provisions; Christians must inspire the develop-

ment of Positive International Law and shape the public opinion which will give it effect.

It is to be feared that Christians themselves do not always realize the bearing of Christianity upon international relations. They are apt to think that international affairs are outside the sphere of religious influence. It was the same a couple of generations ago with Social Reform. Christians and even Catholics (misled by modern individualism) were accustomed to say that religion prescribed our duties to our neighbours as individuals, but not our duties to the social organism. Few Christians would say so to-day. Such movements as the Interdenominational Conference of Social Service Unions testify to a general recognition of the social bearings of religion.

But Christians need to take another step in the recovery of obscured traditions. They must remind themselves that Christianity has something very definite to say about the relations, not only between one individual and another, but also *between the different States.*

We may encourage ourselves for the great task which awaits Christianity by recalling the fact that in ages past the influence of the Church in checking lawlessness was effectual and beneficial. The "Truce of God" restricted the time available for bloodshed. "In an age of force," says Professor Lawrence, "[the Pope] introduced into the settlement of international disputes principles of humanity and justice."[1]

90. The task awaiting Christianity to-day is twofold: it comprises *study* and *teaching*.

(1) The main principles of international morality are clear enough, for they are the same as those of individual or social morality. But their

[1] *See* Appendix, *The Pope as Arbitrator.*

application to the shifting world of politics is difficult in the extreme. Here are problems demanding for their solution the patient and concerted labour of theologians and canonists, historians and jurists. A science much neglected, or at least pursued upon wrong lines during the past three centuries, has to be carefully elaborated. The Christian truths, the deductions drawn from them by generations of doctors and theologians and philosophers, especially concerning the laws of war and the relations of civilized to barbarous nations; the historical development of Christian international law, its application in the past and the obstacles which have hindered its development; the modifications of existing practice which Christianity demands: all these things need devoted study by the world's best Christian minds.

This labour of experts is as necessary as the popular propaganda by means of study clubs, the Press, etc., referred to above. Without it the lecturer, writer and class-leader will flounder in vain and the movement will evaporate in a welter of contradictions.

It is to the Catholic Church in the first place that thoughtful men look for a definite statement of the principles of Christian international law. Her world-wide organization, transcending national prejudices, her array of doctors and canonists who are trained experts in such studies, her historical credentials and her hold upon the allegiance of the largest Christian body in the world confer upon her a unique responsibility. In this respect, at least, non-Catholics admit her supremacy. Half a century ago a group of English Protestants petitioned the Holy See to

re-establish international law on the basis of Christian principles,[1] and similar suggestions have been frequently made since then. In 1912 the *Institut de Droit International Chr tien* held its first Congress at Louvain [2] and received promises of assistance from leading Catholic scholars of ten different nations and the warm approval of a number of cardinals and leading ecclesiastics.

91. (2) The results of this study by Christian experts must be brought home to the people by Christian agencies and must be embodied in practical action. Besides study clubs, lectures and the Press, there is the pulpit where Christian teaching as regards peace and war may fittingly be expounded. In the past, unfortunately, Jingoism has even found its way into sermons.

> The completion of a full and complete international law is a matter for statesmen and lawyers. The preliminary work is a work of broadening and deepening the sense of a common conscience, and of explaining that conscience to itself; and that is a work for Churchmen and thinkers. Few of us are statesmen or lawyers; most of us are Churchmen, and most of us attempt to think. It is the part which we can ourselves play that is for us the most important.[3]

Our Christian readers will not need to be told that humble and persistent *prayer* is of supreme necessity for securing peace and the conditions that make for peace. It is encouraging to think of the great stream of supplication which has risen from every land during the great war at the bidding of Pope Benedict XV. That devout

[1] *See* David Urquhart's *Appeal of a Protestant to the Pope for the re-establishment of International Law.*

[2] See *The Catholic Social Year Book for* 1913.

[3] *Nationalism and Internationalism*, by E. Barker, pp. 19, 20.

crowds should be praying for peace in the Cathedrals of Cologne and Paris, Vienna and Westminster in identical terms is the happiest presage, and it points to a common bond between warring nations stronger than that of economic interests, literature, science, or art.

(c) The Definition of Imperfect Rights

92. Positive international law makes progress when mere *moral claims* are converted into *legal rights*, that is to say, when nations *agree to observe* certain rules in their dealings with one another.

Rules of this kind have been drawn up between the nations of modern Europe, notably in the *Declaration of Paris* (1856), but the great step in advance was taken by the institution of the two *Hague Conferences* (1899 and 1907). At the second of these conferences many branches of international law were codified, and written rules took the place of more or less elastic custom. Thus Conventions were adopted relative to the commencement of hostilities (3), concerning the laws and customs of war on land (4), the rights and duties of neutral Powers and persons in war on land (5), the status of enemy merchant ships at the outbreak of hostilities (6), the conversion of merchant-ships into war-ships (7), the laying of automatic submarine contact-mines (8), naval bombardment (9), right of capture in maritime war (11), rights and duties of neutrals in maritime war (13), prohibition of discharge of projectiles, etc., from balloons (14).

In the great war of 1914 all these Conventions went by the board. Explosives were launched from air-craft, unfortified places were bombarded

etc. Hence we might be tempted to think that all these Conventions were waste paper. But this would be a mistake. A great advantage has been gained by the codification of these rules. The work must proceed further; and at the same time public opinion must be directed towards their observance in future.

The direct action of the Hague Conferences towards the securing of international peace will be considered presently.[1]

(*d*) Mediation, Arbitration, etc.

93. The Hague Peace Conventions recommended five ways of settling international disputes without recourse to war:

(1) Peaceable diplomacy.

(2) Recourse to the mediation of a friendly Power.

(3) The spontaneous offer of mediation from a neutral Power, even during time of war: such offer not to be regarded as an unfriendly act.

(4) The appointment of an international Commission of Inquiry to investigate facts in dispute between nations.

(5) Arbitration.

(1) *Diplomacy* has frequently averted a threatened war, especially when public opinion has been in favour of peace.

(2) *Mediation* (Latin *medius*, middle) is the intervention of a third party to arrange differences by means of suggestion and advice. Unlike arbitration it is not a judicial act. The initial

[1] *See* T. J. Lawrence, *International Problems and Hague Conferences* (Dent, 1908), 3*s*. 6*d*.

stages of mediation are sometimes called "good offices."

Mediation has frequently succeeded in averting war, *e.g.* the mediation of Great Britain between Portugal and Brazil in 1825. It may even succeed where offers of arbitration have failed, as in 1844, when Spain and Morocco, having refused arbitration, accepted the joint mediation of Great Britain and France.

(3) A special form of mediation was proposed at the Hague Conference of 1899. By this arrangement two States having a dispute likely to end in war, cease to negotiate with one another and leave the dispute in the hands of two other Powers who resemble the "seconds" in a duel and who endeavour to compose their differences. This plan obviates the difficulty of finding an arbitrator acceptable to both parties.[1]

(4) *A Commission of Inquiry* is a tribunal which has to deal with questions of fact, *e.g.* the valuation of pecuniary claims. Its functions are administrative rather than judicial, though in practice a Commission may be instructed to deal with questions of *right* as well as questions of *fact*.

Disputing States may sometimes accept a Commission where they would refuse to accept arbitration proper, and a very great step in the direction of world peace will be taken when States agree to submit all disputes, when arbitration or mediation fail, to a Commission of Inquiry. True, the dispute is not settled, but time is gained, misapprehensions removed, and the chances of peace increased. Of great importance therefore was the treaty between the United Kingdom and

[1] See *Encycl. Brit.*, Mediation.

the United States, signed at Washington, September 5, 1914, which provides that disputes between the High Contracting Parties

> shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to an International Commission . . . and the Contracting Parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.[1]

(5) *Arbitration* is the reference by two or more States of a dispute to one or more selected persons, called arbitrators, who, after hearing both sides, pronounce judgment on the matter at issue. The proceedings tend to take the form of a legal trial. There is no international power to execute the verdict against a State which refuses to accept it; but such refusal is rare, for a State which accepts arbitration will generally stand by the verdict.

Between	1820 and	1840	there were	8	cases of	arbitration.
,,	1840 ,,	1860	,, ,,	30	,,	,,
,,	1860 ,,	1880	,, ,,	44	,,	,,
,,	1880 ,,	1900	,, ,,	90	,,	,,

In these cases Great Britain has figured more than any other State, and in many instances a threatened war has been averted. The breakdown of all peaceful expedients in 1914 should not blind us to the excellent results secured in the past by arbitration.

At the second Hague Conference in 1907 the general principle of obligatory international arbitration was accepted, but its application was left to the discretion of the various Powers.

[1] Cd. 7714, Article I. See *Papers for War Time*, No. 22, *International Control*, by W. G. S. Adams.

At all events it was seen that certain disputes lend themselves to arbitration even though in others (involving "vital interests" and "honour") several of the States refused to commit themselves to this method of settlement. Two other advantages were secured by the Hague Conferences: in the first place a great impetus was given to arbitration treaties, of which over 150 have been signed in the last fifteen years; and, secondly, States wishing to arbitrate were able to choose a Board of Arbitrators from a list of competent jurists and statesmen nominated by the civilized States of the world.

Hague tribunals have already decided a large number of cases, the first being that between Mexico and the United States in 1902. But there is need of a *permanent* High Court of Arbitral Justice, always open.

Compulsory Arbitration. As we have seen, the principle of compulsory arbitration was adopted at the Hague Conferences, but a number of States made it clear that they would not extend it to disputes involving their national honour, independence, or vital interests. Hence we find that in most arbitration treaties such cases are expressly excluded.

This exception renders arbitration useless in a number of cases which are liable to end in war, particularly since a nation bent on war will be quick to discover that its honour or vital interests are involved.

On the other hand, a number of smaller States have agreed to arbitration without reserve, and even some of the greater Powers have advanced in this direction. Sir Edward Grey in the House of Commons (March 13, 1911) quoted with

approval a statement of the President of the United States as follows:

Personally I do not see any more reason why questions of national honour should not be referred to courts of arbitration as matters of private or national property are. I know that is going further than most men are willing to go, but I do not see why questions of honour should not be submitted to tribunals composed of men of honour, who understand questions of national honour.

A treaty on the lines of unreserved arbitration between the United States and England was, indeed, drafted, but it fell through owing to the opposition of the United States Senate.

Mr. Asquith, at the banquet to the Delegates to the Peace Congress on July 31, 1908, declared that there was no enterprise in the world more worthy of the efforts and the energies of all good men than to devise some practicable means of providing a rational substitute for the arbitrament of arms. But among the difficulties in the way of international litigation he mentioned that of "finding a tribunal of adequate authority which will command universal respect," and that of dealing with questions of honour. Lord Palmerston in 1848 had pointed out the same difficulty, especially as regards England, which above all other countries, "would find it difficult to obtain really disinterested and impartial arbitrators."[1]

Hence it has been suggested that

The disputes which do not turn on the application of legal principles but are deep rooted in national ambitions or racial animosities require another tribunal (besides the Hague tribunal) governed by equitable considerations rather than the mere letter of inter-

[1] Ashley's *Memoirs*, vol. i, p. 58.

national law. For this we may hope when the Christian spirit of justice and brotherhood has made still further conquests.[1]

The arbitrator who would commend himself to States involved in this kind of dispute must be free from sinister influences, independent in his own sphere, unconnected with reigning families, versed in the principles of justice and equity, vested with a high moral authority. These qualifications are possessed in a unique degree by the Pope.

(*e*) The Limitation of Armaments

94. At the first Hague Conference the following resolution was unanimously adopted:

> The Conference is of opinion that the restriction of military budgets, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

The following *vœu* was also passed:

> That Governments, taking into account the proposals made at the Conference, should examine the possibility of an understanding concerning the limitation of military and naval armaments, and of war budgets.

Declarations to the same effect were subsequently brought forward in the French and Italian Parliaments. Great Britain's suggestion for a shipbuilding holiday, though not favourably received by Germany, was a step in the same direction. By the disarmament Agreement of May 28, 1902, the Chilian and Argentine Republics agreed to acquire no more warships for a given period and to reduce their existing fleets. This

[1] *Arbitration as an Alternative to War*, by Rev. T. J. Lawrence, Church of England Peace League.

arrangement was adopted "owing to the initiative and good offices of His Britannic Majesty."

The suggestion that armaments should be limited by mutual consent meets with opposition in this country from two classes of people. The first are genuinely alarmed lest such a measure should imperil our national safety. As Mr. Asquith has well said:

> National security must always hold the first place in the thoughts and in the plans of those who are responsible for the government of any country. They would be false to the most sacred of all trusts if they allowed themselves for a moment to ignore or to neglect those requirements.[1]

This truth must be kept steadily in view. Inopportune and shortsighted protest against armament expenses has sometimes brought the Pacifist cause into disrepute.

Secondly, opposition comes from those who have a direct or indirect financial interest in the increase of armaments. These include a very large number of respectable shareholders in private armament firms. The war trade itself is practically confined to a dozen huge firms "all interconnected by cross-holdings, interlocking directorates, and trade agreements." "This trade," says Mr. J. A. Hobson,

> differs from others in having Governments for its chief customers. All the arts, therefore, by which enterprising firms get trade, by stimulating wants, encouraging waste, "doctoring" tastes and fashions, are focused upon Governments. For the performance of this work, they must handle politics in two ways. They must evoke and feed international fears and animosities, and they must incite States to make the most expensive provisions for meeting the dangers they have fabricated.

[1] Speech to Peace Delegates, July 31, 1908.

The limitation of armaments by mutual consent is not likely to make much progress so long as wealthy and powerful rings control the production of armaments. The nationalization of the manufacture of armaments would appear to be highly desirable.[1]

(*f*) A Society of States

95. The ideals of World-Empire and of aggressive Imperialism are unnatural and misleading. But the ideal of a Society of States or Internationalism is natural and conducive to development and peace. This is the ideal at which we should aim. It bristles with difficulties. It may never be wholly realized. But each step we take towards it is a gain. There are two lines of argument which convince us that internationalism should be our aim.

(1) All thoughtful men admit the necessity for international solidarity, for closer and more stable bonds between nations. That nations should exist is both beneficial and necessary: that they should go their several ways without regard to one another would be disastrous. No nation can nowadays live a self-contained life without hindering the rightful development of other nations. Rapid transit, the fluidity of labour and commerce, the diffusion of ideas, etc., have created a certain community of interests which cuts across political and national divisions. A nation which "stands out" does not merely sever itself from world processes (that is its own business), but it also actually hinders those

[1] See *The War Traders: an Exposure,* by G. H. Perris (National Peace Council, 2*d.*); *The International Industry of War* (Union of Democratic Control, 1*d.*).

processes by refusing to take part in them. Thus, for instance, certain social reforms cannot in these days be effected until international solidarity is more complete: the efforts of one State to enforce the payment of a living wage is frustrated by the indifference of another. Some writers (notably Robert von Mohl) have complained with much reason that international law has paid too exclusive an attention to the *independence* of States. This must, of course, be safeguarded. But the *interdependence* of States deserves more serious consideration than it has received. Such interdependence is a compelling fact of modern experience: to disregard it would be disastrous.

(2) We are led to the same conclusion by a more philosophical argument. World federation or a Society of States is the natural term of development in the history of modern nations. We see individuals united in the family, families united in social groups, social groups united in the State. Is this the end of the process? Is the State the last word? Does the State satisfy man's widest wants? Does national culture bring man to his highest development? According to the tenets of exclusive nationalism it does (*see* n. 82). But careful consideration will show that it does not.

Even if we did not already perceive a tendency among States to fall into federation (*e.g.* in North and South America) we might still conclude that such a tendency would manifest itself in time. For the very same forces which have produced the social group and the State can only find their complete expression in world federation. The tendency to social unity is not exhausted

by a man's citizenship. It seeks further extension. Man's sociability is unlimited since his perfectibility is unlimited. Certain common and urgent human needs are supplied by the family (*e.g.* propagation of species, care of children, companionship). Other needs (*e.g.* security) can only be supplied by the larger groups. Wider needs (arts and sciences, higher education) cannot be satisfied save in a State.

But there comes a time when a man's needs outrun even the limits of his own State. His instinct for sociability extends beyond national barriers.

Again, we see that each group trains a man to fulfil his duties in the group above it. Family life prepares for group-life, group-life for civil life. In the same way citizenship of a State sets a man on the way to becoming a citizen of the world. Thus it is untrue to say that internationalism is prejudicial to nationalism, just as it would be untrue to say that citizenship unfits a man for family life. So long as family, group, State, and internationalism are true to their proper functions, none will interfere with another, but on the contrary, will react favourably on one another. A State which hinders family life is not a healthy State: a nationalism which bars internationalism is a morbid nationalism.[1]

Christian teaching points in the same direction. Clarifying the Stoic conception, it holds that every man has certain rights (*e.g.* the right to

[1] This is expressly denied by Bernhardi (*Germany and the Next War*, p. 25), who says with Schleiermacher that the State alone gives the individual the highest degree of life. "Any action in favour of collective humanity outside the limits of the State and nationality is impossible." *See also* Hobson (*loc. cit.*), pp. 145–146.

life) against all other men whatever. This implies that the human race itself constitutes a society. And in fact we do find nations and individuals appealing to the judgment of the world—or at least of the civilized world.

One of the most salient features of the great war which has engulfed Europe is the appeals which the combatants have issued to the world: the war of pamphlets has run side by side with the war of the guns. What is the meaning of these appeals? Some may feel that they are only attempts by the combatants to reconcile to the war the hesitating elements in their own ranks, or to draw from neutrals comfort and countenance. But another and higher interpretation is possible, and it is probably more correct. The combatants may be appealing to the common conscience—or to what dividing war has left of the common conscience—of civilized humanity. Behind the arbitrament of war, they feel, lies the dread arbitrament of the world's conscience. Torn and rent, that conscience is still there. It awaits the vanquished and the victor alike. *Vae victis* runs the arbitrament of war. *Vae victoribus* may run another arbitrament.[1]

It is, then, in the direction of a Society of States that we must look for stability and peace. Such a Society, if it is to be one and permanent, will need to establish an international *authority* which, while preserving national liberties, will deal with international problems. The limits of such authority would need to be carefully defined. The problem is one of considerable difficulty, but given the goodwill of the peoples of the world, the difficulty should not be insuperable.

See *The War and Democracy*, pp. 374–379; *War or Peace*, by H. M. Chittenden, pp. 248–260; *History of*

[1] Barker, *Nationalism and Internationalism*, p. 19. *See also* a remarkable passage from Suarez quoted in Westlake (*loc. cit.*), pp. 6–9.

Federal Government in Greece and Italy, by Edward Freeman, chaps. i and ii ; *The Passing of War*, by W. L. Grane, chap. xii ; *Institutiones Iuris Naturalis*, by T. Meyer, vol. ii, pp. 814–838.

A critic to whom the above section was submitted declared that no good could come to us by having a "national union" with certain other powerful nations whose ideals are not our own. It seems necessary, therefore, to guard against misunderstandings to which this last somewhat sketchy section may give rise. The suggested "Society of States" must not be allowed to hinder true nationality any more than the State should hinder healthy individuality. The society and its authority would exist not for the purpose of interfering with national life, but for the purpose of co-ordinating international activities and preventing international friction. It would in fact give the nations scope for development, just as the State alone gives the individual scope for development. It is perhaps wiser to limit the proposal at present to general principles : to attempt to fill in the details prematurely would only provoke barren discussions likely to obscure the value of the main idea, which is commending itself to an increasing number of thoughtful minds.

PART IV

HISTORICAL

PART IV

HISTORICAL

I. DEVELOPMENT OF THE CATHOLIC DOCTRINE OF WAR[1]

(BY THE REV. V. MONCEL, S.J.)

(1) VALUE OF THE HISTORICAL METHOD

96. The final expression in which the solution of some moral question is clothed tells us nothing of the way this solution has evolved. We can see this only by tracing it back to its origin. Only thus, too, can we understand the full meaning of the solution offered, for we gather what were the circumstances which called it forth. Further, we are able to dissect out what is essential, what accidental, by noting how one generation varied from another while retaining unchanged certain fundamental principles which tradition had handed down to them from Apostolic times. These are briefly some of the

[1] This section is in great part drawn from two admirable books: *Le droit de la Guerre d'après les Théologiens et les Canonistes du Moyen-Age*, by M. Vanderpol, and *L'Eglise et la Guerre*, by Mgr. Batiffol and other writers of note. Sections 97–103 inclusive especially are little more than a condensed translation of Mgr. Batiffol's work.

advantages of the historical method of inquiry. . . . They obviously apply to the Catholic doctrine of war, for Catholics claim continuity of principle with the Founder of the Christian religion.

Plan. We shall therefore trace the development of the Catholic doctrine of war from the New Testament down to the time of Suarez. After this theologian the modern development commences, and this is treated in another section.

(2) The New Testament and War

97. Primitive Christianity stood in sharp contrast to Judaism on the subject of war. War was looked upon by the latter as an expression of Israel's providential call; it is so regarded in the Epistle to the Hebrews xi, 32–34. The Nationalist Messianic Hope of the Jews at the time of Our Lord dreamt of "The Day of the Lord" as of a battle fought and won by God's Legate. Opposed to this, the spirit of the Gospel is summed up in the saying "Blessed are the peacemakers, for they shall be called the children of God" (Matt. v, 9). How was this spirit of peace interpreted by Christianity, how did it reconcile itself with the profession of arms, and how finally did it issue in a doctrine of the morality of war? These are the questions we have to answer.

War not Explicitly Condemned. There is very little in the Gospel to indicate the attitude of Our Lord or His Apostles to the profession of arms, and that little is indirect. As far as it goes, it proves that Jesus certainly did not explicitly condemn war, and the esteem which

He on one occasion, and St. Peter on another, showed to military men was an implicit affirmation of the legitimacy of the profession.

When the "soldiers" come to the Baptist for instruction they are simply told not to denounce falsely, not to make illegitimate extortions, but to be content with their pay. Probably these soldiers were a kind of police in service of the publicans: the precept not to denounce falsely would lead to this supposition; but, whether they belonged to the military or to the excise, St. Luke does not suppose they must abandon their profession to avert God's wrath.

From Our Lord's use of war in His parables we can infer nothing as to His attitude, but He reveals His mind more clearly in the cure of the centurion's servant (Luke vii, 1–10; Matt. viii, 5–13). A Roman officer, a soldier by profession and a friend of the Jews, receives nothing but praise from Him; not a word in condemnation of his calling. If it be objected that the centurion of Capharnaum remained a soldier because he did not become a Christian, the case of Cornelius, centurion of Cæsarea, likewise a friend of the Jews, and a proselyte to boot, proves the objection to be unfounded (Acts x and xi). There is nothing in the account of his conversion to suggest that he abandoned his profession. This case warrants the conclusion that the profession of arms was not considered incompatible with Christian sentiments.

98. *Non-resistance.* Yet there is another line of thought running through the Gospel, and more deeply rooted in it, which appears opposed to the conclusion just reached. It is the doctrine of non-resistance. When one of His followers,

defending Jesus from those who were sent to take Him prisoner, strikes off the ear of a servant of the High Priest, Jesus bids him sheath his sword "for all that take the sword shall perish with the sword" (Matt. xxvi, 52). The expression is repeated in Apoc. xiii, 10, and there is a still stronger expression of non-resistance in Matt. v, 38 *sq.*

If resistance is forbidden, so *a fortiori* does offensive attack seem to fall under the ban. What, then, becomes of the lawfulness of war?

To this must be added that in the Gospel war is represented as an undoubted scourge. One has only to read the prediction of the ruin of Jerusalem and of the end of the world to be convinced of this. In the Apocalypse also the symbolical beings who execute God's judgments appear to the seer as warriors and the wars they carry on are a scourge inflicted at God's behest.

We have then as elements bequeathed by the Gospel to Christian thought the three following sentiments: (1) Renunciation of self-defence, with command not to draw the sword. (2) Esteem for the military profession. (3) War a scourge of God. Tradition accepted these data, and worked on them to co-ordinate them.

(3) Apostolic Christianity and War

99. When Christianity passed from Jewish to Roman soil, its surroundings changed from oppression, unrest and instability to order and stability. True, as early as A.D. 64 bloody persecution was inscribed in Roman laws; but this the Gospel had predicted and provided for by laying down the duty of Christians in face of

persecution, which was to suffer it without revolt. And such was their attitude to the end. They understood that renunciation of self-defence and the prohibition to draw the sword, applied above all to submission to civil power :

> Be ye subject therefore to every human creature for God's sake, whether it be to the king as excelling : or to governors as sent by Him for the punishment of evil doers, or for the praise of the good : for so is the will of God, that by doing well you may put to silence the ignorance of foolish men (1 Pet. ii, 13–15).

And again :

> Honour all men. Love the brotherhood. Fear God. Honour the king (*Ibid.*, 17).

These precepts were inculcated at the very moment when Christians were first attacked by law, which proscribed their "name" under penalty of death, attaching to that name criminal imputations. Of such persecution, the epistle says :

> But if you partake of the suffering of Christ, rejoice, that when His glory shall be revealed you may also be glad with exceeding joy. If you be reproached for the name of Christ, you shall be blessed : for that which is of the honour, glory and power of God, and that which is His Spirit resteth upon you. But let none of you suffer as a murderer, or a thief, or a railer, or a coveter of other men's things. But if as a Christian, let him not be ashamed, but let him glorify God in this name (*Ibid.*, iv, 13–16).

St. Paul speaks of submission to authority and to rulers in even stronger and more sweeping terms (*see* Rom. xiii, 1–7). Though these words were written before the first persecution broke out, this event in no way changed his principles. Himself imprisoned as a "malefactor," he was able to write "I endure all things" (2 Tim. ii, 10).

St. Paul's Metaphors. Particular attention has been paid to the metaphors employed by St. Paul in his epistles. They are taken from the current life of the Greek and Roman cities whither his apostolate had led him. We find frequent use made of various details of Greek athletic games, particularly of the stadium. Scarcely less frequent is his reference to military life, always as an example worthy of Christian imitation. This alone justifies the inference that to him the profession appeared both legitimate and honourable. He would not have attempted to associate in the minds of his flock military valour and Christian virtue had he looked on the former as immoral in its very nature.

Thus 1 Cor. ix, 7, " Who serveth as a soldier at any time at his own charges ? " If a soldier's wage is lawful, so must be his service.

Again, the Thessalonians are to have on " the breast-plate of faith and charity, and for a helmet, the hope of salvation," where St. Paul makes his own the imagery used by Isaiah. The same line of thought is found in the last chapter of the Ephesians ; and further examples are supplied by 1 Cor. xiv, 8 ; Coll. ii, 5 ; but the most strikingly worked-out passage is contained in 2 Tim. ii. 3–6, where the same note of sympathy is extended to the soldier striving to please the one who has enrolled him as to the labourer of the earth, and the athlete who has conquered in fair contest.

The sword, says the saint elsewhere, is the symbol of jurisdiction of the magistrate over the criminal. Roman justice has therefore the right to use the sword for punishment. We might press further the principle thus laid down, and say that he would not deny the Empire's right to

wage war. But this question was not an actual one either for him or for the churches he was addressing. Enrolment in the Roman army was voluntary, and it is probable that few Christians were to be found in it at the outset. They were loyal subjects of the Empire, and expected it to fulfil its duties. The shedding of blood and the violence of the past that had made *Romanity*, were beside the point: Rome existed, God willed it as He had willed the existence of empires anterior to it; and it was to endure until the end of time.[1] Christians pray to God for the stability of the political institution that shelters them (1 Tim. ii, 1–2); the prince, magistrates, the entire polity are guarantees of security in the city; Christians do not disturb this peace, they provoke no one; if needs be they suffer blows and prison; the only arms they wield are "the armour of justice on the right hand and on the left" (2 Cor. vi, 3–7), and in their faith they realize a peace surpassing wonderfully the peace given by the world (Jo. xiv, 27).

From the above texts we may deduce the following:

(1) Christianity understood from Apostolic times that the renunciation of self-defence referred to persecution and martyrdom.

(2) Respect for Roman order implied respect for the organic functions of the State—justice, taxation, the army.

(3) Peace is a gift of God.

(4) Post-Apostolic Christianity

100. It was during this period that Christians found themselves gradually forced to adjust

[1] *Cf.* Tertullian. Ad Scapulam 12.

State requirements to their faith. At the outset, an idea was prevalent that the end of the world was fast approaching; they therefore saw no need of solving the problem how far did the State require remodelling in order to fit it to Christian duties. They recognized the legitimate authority of the State, as coming from God; they rejected the pagan practices. The military profession they held in esteem, and Christians followed it so far as compatible with their religion. But as Christianity began to permeate society, and time still flowed on, the need of a reasoned attitude to the State was increasingly evident. It was then that theorists took up the rigorist position, and applied the doctrine of non-resistance to war, whilst Catholic sentiment in general took up a more tolerant position. Non-resistance they confined to persecution for the faith, to which their predecessors had applied it; military service they declared to be legitimate in itself, but demanded that it should be stripped of its pagan accretions. It was this deep infiltration of paganism into the army that drove so many to declare the profession inherently unlawful.

The loyalty of Christians to the Roman State is witnessed by various Fathers and writers. St. Clement of Rome (end of first century) quotes in his *Epistle to the Corinthians* the beautiful liturgical prayer offered up by the "saints of Rome" (*i.e.* Christians), in which God is asked to watch over and direct "our princes," to make Christians submissive to them, since they wield an authority received from God alone. They beg God to grant concord, gentleness and peace to the *Orbis Romanus* (*loc. cit.* lx, lxi). The same sentiments of loyalty are contained in chap. xxxvii of the same letter.

This use of military language to denote the duty of Christians, already found in St. Paul, is often met in these early writers. It is a clear indication that they found nothing wrong with the calling as such, else they would scarcely have held it up to the admiration of their co-religionists. Tertullian, while still a Catholic (circ. A.D. 197) tells us in his *Apologeticus* (xxx), that prayer for the Empire, its Emperors, army, senate and people, together with universal peace, was a traditional liturgical theme.

St. Justin (fl. 161) is no less explicit. In his *Apologia*, addressed to the Emperor Antoninus Pius in defence of Christians, he says that prayer is offered for the Emperor; the prince will never find the seditious among Christians; on the contrary, they are foremost as auxiliaries and allies to assure peace. Everywhere they are the readiest to pay taxes to officers appointed by the State.

> We adore God, God alone, but otherwise we obey you willingly; we recognize you as kings and leaders of the people, and we ask of God that there may be found in you, along with imperial power, wisdom and intelligence.

The Empire is one of order, and Christians wish to live their faith in peace. They do not revolt against persecution, nor fly from martyrdom; in this they are a peaceful people in whom is fulfilled the prophecy of Isaiah (Is. ii, 4).[1]

The ideal of peace is not proposed by Justin to the Empire as its moral law, but as that of Christianity. Roman Christianity, like Apostolic Christianity, calls persecution war, persecutors enemies, and refuses to defend itself against penal laws.

[1] Cf. *Apol.*, xiv, 3; xii, 1; xvii, 1, 3-4.

Justin does not consider the case of a Christian enrolled in the Roman army, but he speaks with respect of military service, whose duties he finds analogous to those of Christian service. Yet it was the second half of the second century that witnessed the introduction of Christians into the force. The miracle of the "Thundering Legion" is proof of this. This was the Twelfth Legion, stationed usually at Melitene, near the Euphrates, but operating in Germany at the time (A.D. 174). It was saved from perishing from thirst, according to official accounts by Jupiter Pluvius, but Christians saw in the event the intervention of God, appealed to by the Christian soldiers of the Legion. This Legion was probably no exception, since Tertullian gives us to understand that Catholics of his time did not repudiate military service.[1]

Tertullian, who as a Catholic expressed the Catholic sentiment that life in camp is not in itself repugnant to Christianity, was the first to desert this doctrine when he passed over to Montanism. In his *De Idololatria*, written in 211–212, when he was a Montanist, he takes up a rigorist, uncompromising attitude towards the military profession. Restricting his inquiry to the lower ranks, where there is no obligation of presiding at sacrifices, or of pronouncing capital sentences, he asks whether one who is baptized can take up military service, or whether a soldier may be admitted to baptism; his answer is a decided negative. It is impossible, he says, to serve at the same time in the camps of light and camps of darkness, to devote one's soul to Christ and to the devil, to God and to Cæsar; Moses,

[1] *Apol.* xxxvii and xlii.

Joshua and the rest are not here to the point, for they had not the Gospel. But the Gospel forbids the use of the sword (*loc. cit.* 19). Christ laid down the final law of Christianity when He disarmed Peter.

Tertullian was the first to condemn war in the name of the Gospel. He does so in the manner usual to heretics hugging one fond idea ; he takes an isolated text, and by strict logic builds up his whole system upon it. The possible modifications in the meaning of the text due to its complete context are left out of account entirely.

But there are numerous indications that, at the beginning of the third century, Catholic morality was far more tolerant than Tertullian, who being an extremist was by the very fact an innovator. Catholics were forbidden to accept grades in the army which implied the obligation either of offering sacrifices or of pronouncing capital sentences, but otherwise there was no prohibition to enter the service. Tertullian himself can be cited to this effect. Embarrassed by the example of the centurion Cornelius baptized by St. Peter, he grudgingly concedes to Catholic sentiment that a soldier convert may remain in the army after baptism, on condition that no acts are performed forbidden by the faith ; though he himself counsels immediate abandonment of the profession.[1]

The forbidden acts to which he here refers were required only in the higher grades. Thus Catholic sentiment had already decided the question in favour of the legitimacy of war. Clement of Alexandria clearly sums up Catholic sentiment in these words :

[1] *De Corona*, 11.

Gnosis (*i.e.* Christianity) conquered you while you were in service: obey the *just orders* of your commander.[1]

There are therefore just orders in warlike service; by implication, there may be unjust orders. The idea of justice will dominate the moral treatment of war by Catholic theologians.

Christians excepted civil war, in which they would have no part; the Emperor was for them a manifestation of God's choice of legitimate authority. This does not mean that everywhere and always Christians lived up to their profession and were never carried away by faction. In the sedition at Alexandria, 261–262, according to the account of their bishop, Dionysius, they got out of hand, and joined parties opposed in civil war. But Rufinus tells us that this town was notorious for its readiness to rise in revolt, and engage in civil strife.

(5) Third and Early Fourth Centuries

101. The evidence adduced so far shows that Christian loyalty to the Roman Empire grew continuously, in all save what ran counter to its faith. The submission of Christians was complete, even to martyrdom, which was its highest form. They took their share of military service as far as compatible with their religion, which they did not think contrary to the proper functions of a soldier—those namely of war. There are plenty of indications that during the third and the beginning of the fourth centuries the numbers of Christians in the army steadily increased.

The case of Maximilian, martyr at Carthage in 295, at first sight appears opposed to these conclusions; but critics are united in considering

[1] *Protreptic*, 10.

this case exceptional. Indeed, on further examination, we find that in reality it is a confirmation of what has just been said. Maximilian was condemned to death for refusing to serve in the army, to which he was bound because he was the son of a veteran. But the pro-consul of Africa exceeded his powers in imposing the death penalty for the offence, and further, as he himself pointed out, Maximilian had no right to say, as he did, "I may not serve, since I am a Christian"; for there were Christian soldiers in the army: "Among the revered troops of our lords Diocletian and Maximian, of Constantius and Maximian Galerius there are Christian soldiers, who perform their military service."

In Egypt, during the persecution of Decius, a letter of Bishop Dionysius speaks of four soldiers who formed part of the prefect's guard while he was trying a Christian. Being Christians themselves, they encouraged him to remain constant; whereupon they were forthwith arrested and condemned to death.

At Cæsarea in Palestine, under Macrinus, Eusebius relates how an officer named Marinus, competing for the rank of centurion, was denounced by a fellow-competitor as "not sacrificing to the Emperors." Asked by the judge to what sect he belonged, Marinus confessed to Christianity. He was allowed three hours for reflection to abjure his faith, but remaining constant in his profession, he was put to death. There are here signs of a progress in military toleration, since Marinus could have become a centurion, and remained so without the obligation of sacrificing: he was denounced before promotion. The growth of toleration is still more

strikingly manifest in the case of Marcellus, martyr in the Diocletian persecution, for Marcellus was already a centurion. The martyrdom took place at Tangiers, under Maximinus Hercules. Asked to sacrifice, Marcellus immediately discarded his belt, his vine-branch, token of his rank, and cried out: "I serve Jesus Christ, the eternal King. . . . If the conditions of service be that men are obliged to give religious honours to gods and emperors, I fling from me the vine and belt, I abandon the ranks and I decline to serve." This means that Marcellus had been able to rise to centurion's rank without any question being made about his faith.

Christians were so numerous in the Roman army at this time (the beginning of the fourth century) that the persecution of Diocletian was first of all and without exception of rank aimed at "the brethren who are in the service," as Eusebius wrote.[1] The number of soldier martyrs mentioned in the "Acta sanctorum" and in the various martyrologies is great. "There was therefore no incompatibility between the profession of arms and the religion of Christ, as has been repeated; and the Church did not pass on the military state the severe judgments of a few rigid moralists." [2]

For the fact is curious, that while Christian customs were becoming more and more Roman, most Christian moralists who treated *ex professo* of war upheld the full rigour of Tertullian's principles. Thus, for instance, Lactantius wrote 305–310:

[1] *Ecclesiastical History*, VIII, i, 7. Hereafter referred to as H.E.

[2] H. Delehaye, *Greek Legends of Military Saints* (1909), p. 2.

"The just man will neither be allowed to engage in military service, since his service is justice itself, nor to accuse anyone of a capital crime, for there is no difference whether you kill with the sword or by word, since killing itself is forbidden." [1]

Origen treats our question in various parts of his work *Contra Celsum*. Celsus was a heathen, a Roman philosopher with strong Roman bias and a bitter opponent of Christianity. In his treatise, Origen reproduces the objections proposed by Celsus and adds his answers. It will be seen that Celsus pressed his difficulties with power. He begins his attack indirectly:

> "Whence come you, and who gave you laws and a fatherland?"
>
> "We came from Jesus, to whom we belong, and who commanded us to change swords into ploughshares, and lances into sickles. Wherefore we no longer draw the sword against any nation, we no longer learn to wage war, being as we are, thanks to Jesus, sons of peace. At the voice of Jesus we have exchanged the laws of our countries for the laws of our Master; His teaching is the law of humanity." [2]

Elsewhere, Celsus reproaches Christianity with being in contradiction to Judaism. The Old Testament is a book of warfare, and exalts the law of like for like, while the Gospel bids one who has been struck on the right cheek turn his left to the smiter. Origen replies that Jewish law was not made for nations called to the faith and subject to Rome. Christians could not slaughter enemies, burn or stone those who had been justly condemned for breaking laws, whatever Moses may

[1] Lactantius. *De Divinis Institutionibus*, vi, 20, 16. *See also* i, 18.
[2] *Contra Celsum*, v, 33.

have prescribed. God, in abolishing Jewish autonomy showed that He was abrogating that law; just as by the aid He had given Christianity in its institution throughout the world, in spite of all the obstacles raised against it by "emperors, heads of nations and cities," He showed that the Gospel was made for humanity.

In that case, asks Celsus, of what use are Christians in the Empire? He exhorts them to help the Emperor with all their strength, to unite with him in just actions, to fight for him, to serve in his army, and if he demand it to command his troops.

There is force in these words, it must be admitted. If the "contemptible inertia" of which Suetonius accuses Flavius Clemens is to be understood of Christianity, the reproach is grave. Origen answers it by saying that Christians serve the Empire by their prayers and virtue. The religious man helps the emperor more efficaciously than do soldiers in battle-order arrayed and exterminating as many of the enemy as possible. You ask us to serve in the army for the public good and to kill men; but you know well that the priests of your idols and the *neocori*[1] of your gods keep their hands pure of blood in order to be able to offer the sacrifices, and that if war breaks out, you never enrol them. How much more should Christians keep their hands unstained, they who by their prayers to God fight for those who wage war justly and for those who govern justly.[2]

In this somewhat rhetorical development, one

[1] Neocori were overseers of the temple who superintended the sacrificial offerings.

[2] *Contra Celsum*, viii, 73.

statement stands out pointedly, namely that Christians do not fight, do not wage war, do not shed blood. They can only pray for the general good. There is also an indication that war may be just, in which case Christians pray for the success of the prince's arms. A similar line of thought is found in Dionysius of Alexandria, quoted by Eusebius.[1]

Origen does not tell us when a war is just. In this same treatise, he likens Christians bound together in prayer in face of the Devil to citizens conspiring in secret to exterminate a tyrant who is striving to possess himself of a city. But a theory could with difficulty be drawn from a passing comparison of this sort. More to the point is his example of bees which he likens to men in the well-ordered zeal they show in defending their hives. "The wars of bees," he says, "contains a lesson applicable to just and regular wars, when such are necessary among men."[2] He sums up his idea of a just war in the words, "A war for the fatherland." But we must remember that according to Origen, Christians do not take up arms in a just war; they pray, and that is sufficient.

The contradiction between Christian customs and Christian moralists stands out here in naked crudeness: Catholicism is Roman, that is, has been nationalized in an empire in which it cannot but put its trust, and this empire is a military monarchy whose prince is an *Imperator* about to become Christian; Catholicism tolerates military service, on condition that its faith is left intact. On the other hand, the spirit of the Gospel is not more Roman than Jewish; it is unconditioned in

[1] *H.E.*, vii, 11, 8. [2] *C.C.*, iv, 82.

regard to accidental political necessities. The rigorism of moralists such as Tatian, Tertullian, Origen, and later Lactantius, Jerome, Martin of Tours, Paulinus of Nola—to name a few—is based on a logic which time will prove wrong. The need will then be apparent of distinguishing between the real and the desirable, and without cursing the one, aspiring to the other. Pacifism is among things desirable; thus it appeared to Arnobius, who writing in Africa about the year 305 gives a charming sketch of the era of universal peace, throwing it into the framework of Isaiah's prophecy of the time when swords shall be turned into ploughshares. But this consummation, he adds, can only be reached if all men will give ear to Christ's peace-bringing precepts: "Then indeed the whole world having forged iron to milder purposes will live in the gentlest peace, and will be united in a life-giving harmony by the inviolable sanction of alliances."[1]

(6) Christianity after Constantine.

102. The Empire became officially Christian under Constantine (A.D 313). It was now obliged to decide its duties towards the State; the situation was totally different from that in which moralists had hitherto been placed.

The first three centuries limited non-resistance to persecution, and Christians had been heroically faithful to this renunciation. The idea of evading persecution by flight had appeared in the third century, but it was not accepted without a struggle and the reproach of flight from persecution levelled against anyone, even a St. Athanasius, always aroused Christian indignation. But the

[1] *Adv. Gentes*, i, 6.

peace of Constantine put an end to bloody persecution at least in principle, and it seemed as though the precept of non-resistance was henceforth to find no application.

Peace was certainly still regarded as a gift of God. In the year 320 and the years following, the coins of Constantine were stamped with the words "*Beata Tranquillitas*," Blessed Peace. The liturgy of the 8th book of the *Constitutiones Apostolicæ*, representing an inspiration of the time immediately preceding Theodosius, contains a prayer for "the prince" and those constituted in dignity—an echo of St. Paul (1 Tim. i. 1)—but to these is joined "the whole army, to the end that all may be peaceful for us, and that living all the days of our life in peace and concord, we may glorify Thee," our God. And elsewhere, "Preserve priests without stain in Thy service, princes in peace, magistrates in justice, the weather serene, fruits in abundance, the world in Thy all-powerful providence: appease warlike nations, convert those that stray far from Thee." [1]

The profession of arms, formerly permitted to a Christian with the exception of its pagan practices, was now no longer subject to this exception. In the same Book viii of the *Const. Apost.* it is prescribed that the soldier who seeks baptism is to be taught that he must do violence to no man, must denounce no man, and that he must be content with his pay—instructions which recall the words of St. John Baptist. If he promises to observe these precepts, he is received; if he refuses, he is rejected.

May he therefore shed blood? On this question moralists assume an attitude of toleration

[1] *C.A.*, VIII, xii, 42, and xv, 4.

which differs widely from the uncompromising negative of former rigorists, though there are still some misgivings.

St. Basil (*fl.* 365) offers the following tentative solution:

> Our Fathers did not reckon as murder the murders committed in war; it appears therefore to me that they pardoned those who fought for the good and for religion. Still, I should advise that those whose hands are not unstained with blood should be deprived of communion for three years.[1]

His advice does not seem to have been followed.

St. Athanasius (*fl.* 350) is essentially of the same mind as St. Basil. He likens the use of arms to marriage rights: what God allows for a certain end becomes abuse only if the end be departed from.

> Killing is not lawful; yet to suppress enemies in war is legitimate and worthy of praise. And for that reason great rewards are decreed to such as have distinguished themselves in war; monuments are raised to them which record their deeds. Thus it is that one and the same act, which under one aspect and in certain circumstances is not allowed, under another aspect and at its proper time is licit and tolerated. The same is true of the union of the sexes.[2]

If we seek the salient fact which inaugurated a Christian morality of war, we find it in the victory of Constantine at the battle of the bridge of Milvius, fought under Christian banners. The official interpretation of this event is given in the dedicatory inscription of the Arch of Constantine, in these words:

> Instinctu divinitatis . . . justis rempublicam ultus est armis.

[1] *Epist.*, 188, 13. [2] *Epist. ad Amunem.*

that is:

Under God's inspiration . . . he avenged the state by just war.

It will be noticed the sentiment of war as a scourge of God has become dim in this inscription: the same is true of St. Ambrose's commentary. It required the terrible ravages of the Goths to revive the notion in Christian morality.

103. *St. Ambrose.* St. Ambrose (A.D. 370) was the first to publish an essay on Christian duties in his treatise *De Officiis* (Of duties). The title, the form of the work, and the fundamental ideas are borrowed from Cicero, who in turn had borrowed from the Stoics. The treatise is therefore an attempt to express Christian virtues in philosophical language already current among Romans, completing it where it is deficient. The following is an outline of his treatment of the subject that interests us:

There are two kinds of courage, military and civil. But the former, though estimable, since it is found in our ancestors Joshua, Samson and David, is not self-sufficient, or absolute; the greater it is, the more liable is it to oppress the feeble. Wherefore the primary thing to consider in discussing the morality of war is Justice. Only if the war is just is military courage a virtue.

The law of virtue is to repel injustice, not to commit it; it ordains no less the defence of one's neighbour against injustice. An example of the latter is furnished by Moses in defending a Hebrew against the unjust aggression of an Egyptian (Exodus ii, 11). A war will therefore be just if undertaken to defend one's native land

against barbarians, or one's house against brigands. To justice must be joined prudence, moderation, temperance and magnanimity.

Thus while showing esteem for military courage, and bringing it within the category of virtues, St. Ambrose does not allow it absolute rights. It is inferior to civil courage, which in turn must give higher place to the courage of martyrs. Moreover, military courage is subject to justice for its right exercise. Justice is the mistress virtue, and the foundation of justice is faith.

There may be infringement of justice not merely by committing an unjust act, but also by abstaining from the defence of one who is the victim of injustice.

These ideas are—with the exception of the front rank given to martyrdom—all of them adapted from Stoic philosophy through Cicero, sometimes verbatim. It was in this way that the Saint laid down a first sketch of a reasoned attitude of Christianity to the State. We may glance back to see how this synthesis takes into account the Gospel sentiments mentioned (n. 98).

The renunciation of *self-defence*, limited from Apostolic times to the case of persecution and martyrdom, has been placed in the category of courage of which it is the highest expression.

The idea of war as a *scourge of God* has been momentarily relegated to the background: the Roman Empire appeared to be still so strong in St. Ambrose's time, that nothing less than the disastrous ravages of the Goths in 410 could restore the idea that war is in its time a winnowing fan in the hands of God.

On the *lawfulness* of the military profession all doubt has been removed.

What then has become of Gospel "pacifism"? St. Ambrose answers by a distinction again borrowed from Stoicism, there called the distinction between perfect duties and intermediary duties (*officia perfecta, officia media*), now called precepts and counsels. "If thou wilt be perfect, go sell what thou hast, and give to the poor, and thou shalt have treasure in heaven." . . . (Mat. xix, 21). This dictum of the Master reveals perfection without imposing it. And one need not will to be perfect. "Thus it is that the Stoic theory of the two kinds of duties serves to comment the words of Christ and confirms the distinction of precepts and counsels."[1]

104. *Summary*. We might sum up the attitude of Christians to war up to this period in the following general view: Christianity was a gift of God to man by which God's justice had been poured into man's heart, which made those that had it wish that God's will might prevail on earth; it was desired in God's Spirit, that is, a Spirit of peace and love. Hence the Christian hated war, which is diametrically opposed to that Spirit, and the ideal which would abolish war would be attained when all men embraced Christianity. But that ideal was a long way off, and so long as it remained an ideal, States would continue to commit injustices. In this state of things, it became a subsidiary duty to seek justice by restoring it where violated, thus calling forth a special though less perfect form of courage. Hence, as between States, the necessity of military service. But in this department Christianity had a great work to do. They had to teach

[1] R. Thamin, *S. Ambroise et la morale Chrétienne*, p. 224–225.

States that just wars did not mean wars useful or expedient to themselves, they were not to be instruments of mere self-aggrandisement.

Justice between States was to be decided by a law superior to them and not depending on their will. This will be insisted on by moralists henceforth, by St. Augustine, by St. Thomas Aquinas, by Vittoria, by Suarez: and it might be well if to-day, when the pagan conception of the State is showing a too vigorous revival, if we, instead of insisting on the immediate realization of an ideal as yet out of range—the total suppression of war—were to concentrate our efforts on the more modest, but more necessary task of reintroducing the Christian ideal of Justice.

(7) St. Augustine and War

105. St. Augustine flourished at the end of the fourth and beginning of the fifth century (355–430). He was converted from Manichæism chiefly under the influence of St. Ambrose; and thereafter was engaged throughout his life in combating the heresies that assailed the Church in his time. A deep and original thinker, his treatment of the various theological subjects he had to take up left its impress on all subsequent theological speculation. The presentation of St. Augustine's views on war is difficult because he wrote no systematic treatise on the subject; his thoughts must be culled from various distinct writings. This task is the more difficult by reason of the polemical nature of his writings, and the intensity with which he plunged into his subject to the exclusion of everything else. He was concerned in justifying a position against

some erroneous opinions, and he defends his view with such vigour as to appear extreme. To pick out a sentence here and there and propose that as the saint's views, without the consideration of the whole context and atmosphere in which the work was written would almost invariably distort his teaching. We will content ourselves with a summary of his doctrine.

His Philosophy of War. He drew his philosophy of war for the most part from the Old Testament, and it is consequently bound up with the idea of Providence. War is a fact under direct divine control, and always serves the end of Providence. It has always occurred and as far as one can see will continue as long as man is. Whether it is a good or an evil, God alone knows; we cannot judge; for we cannot tell whether it is more useful or harmful that anyone should live in peace, in order to reign, or serve, to lead a tranquil life and die; or rather to wage war, in order to command, to strive, conquer or be killed. One thing is certain, if it is useful, it is due to God's favour; if harmful it is by reason of a Divine judgment. While deploring the excesses of war, we may not condemn it in itself, since God has often commanded it.

War plays a considerable part in Divine Providence. God uses it as a means to punish the evil of kings and of peoples, and to test the good. Providence decides the fate of wars, their vicissitudes, their duration. Even unjust wars are under Divine control; so that they can never do real harm to the just, but rather render them more worthy of reward by the exercise of patience, humility, and submission. Here St. Augustine is developing a line of

thought contained in Jo. xix, 11 and Rom. viii, 28.[1]

106. *The Ethics of War.* What are the duties of the Christian with regard to war? (1) Military service is perfectly legitimate. He rejects the opinion of those who would base a doctrine of non-resistance on the New Testament: and appeals to the words of the Baptist (Luke xiii, 14) and to various incidents recorded of Christ (Mat. xxii, 21 *ibid*, viii, 5 *sqq.*) in proof of the lawfulness of the profession.[2]

(2) The Christian soldier is bound to obey orders, and must strike without hesitation or remorse and without fear of contracting the guilt of homicide. By not obeying he would be guilty of dereliction of duty.[3]

(3) Therefore war is legitimate, at least under certain conditions. This, he says, is a strict conclusion from the fact that the soldiers who sought the way of justice from the Baptist were not told to abandon their profession.[4]

(4) It is not war that is unlawful, but the evil motives that so often govern those engaged in it, and the excesses committed.

With what do we find fault in war? Is it the death of people who must die sooner or later, and who die there in subduing the culpable by imposing peace on them? It is cowards who blame this, not religious-minded people. But the desire of doing hurt, the cruelty of vengeance, the transports of an implacable animosity, the fury of revolt, the passion for domination and other

[1] Cf. *De Civitate Dei*, xv, 4; xix, 7; xix, 15; xvi, 43; v, 22. *Contra Faustum*, xxii, 74–78.

[2] *Contra Faustum*, xxii, 74–77.

[3] *De Civ. Dei*, i, 21, 26.

[4] *Epis.*, 138, ii, 14, 15; *De Civ. Dei*, iv, 15; xix, 17; *Contra Faustum*, xxii, 73, 74, 75.

things of the same sort, these are what is blamed in war with reason.[1]

(5) What then is legitimate war? Setting aside that undertaken by God's direct command, which admits of no discussion, a legitimate war is one ordered by legitimate authority, in order that the just may obtain reparation for injury, or in order to punish rebels, those puffed up by false ambition, and other delinquents. These faults demand punishment, according to right justice; wherefore, when conditions are such that nothing but armed force can attain the end, war must be declared by the authority, and subjects must participate in it by obedience. This is the theory of the just war.[2]

When St. Augustine applies this criterion to past wars, he finds that most of Rome's wars were unlawful, either in the motives that originated them, or in their results. In any case, the extension of Rome's Empire, even when due to a just war, is due to the iniquity of their neighbours, and cannot therefore be a subject of congratulation to the good. It seems that what Augustine blames so severely in the wars of ancient Rome is that the provocation given them by their neighbours was used merely for self-aggrandisement, and had not in view to correct injustices and to reduce the turbulent to peace—the real end of war.[3]

But the past is unalterable; what behoves us is to learn the lesson of the past to prevent iniquity in future. St. Augustine turns therefore to consider what are the *duties of Christians when engaged in war*.

[1] *Contra Faustum*, xxii, 74. [2] *Ibid.*
[3] *De Civ. Dei*, iv, 15.

107. (1) The Christian's one desire must be peace; to preserve it as long as possible, to pray God to maintain it; and when at last compelled to wage war, to do so with the one idea of restoring peace. War is a last resource.

Be therefore peaceful even in war; by your victories make those who are fighting understand the utility of peace.[1]

(2) In passing judgment on the necessity of a war, the Christian must determine two points. Is the cause a just one, and is the authority a legitimate one?

Of these, the justice of a cause required definition at his hands, since according to Roman jurists, a war was just solely by the fact that the State had declared it. St. Augustine defines it as follows:

Just wars are defined to be those which avenge injuries—when, for instance, a people on whom war is to be declared have either failed to make reparation for some wrong committed by their subjects or to return what has been taken unjustly (*per injurias*).[2]

(3) A just war having been declared by the legitimate authority, the first duty of the Christian soldier is obedience. If ordered to kill, he must do so without trouble of conscience; so that even though his chief sins in giving the command, the soldier is innocent—his rôle is to obey.

Ruses, ambushes may be employed; for God commanded Joshua so to act. Hence they do not infringe justice.[3]

(4) In these matters the Christian and the pagan are not differentiated. But where the former will show himself Christian is the spirit

[1] *Epist.*, 189, 6. [2] *Quæs. in Hept.*, vi, 10.
[3] *De Civ. Dei*, i, 26; *Contra Faustum*, xxii, 75.

in which he wages war. In the midst of the fighting, he will never forget that peace is what he is striving for. This idea is one that recurs continually under the saint's pen. The following quotation will suffice:

> No one but desires peace. Even those who wish for war wish only to conquer: therefore it is a glorious peace they are aiming at through war. Hence it is for the purpose of peace that wars are undertaken, even by those who seek an outlet for their warlike valour in command and in battle. Whence the inference that peace is the end aimed at, wished for, in war.[1]

Again, writing to a friend, Count Boniface, at the time a rebel in Africa,

> In war even, if you needs must still be engaged in it, hold to the faith, seek after peace.[2]

Christian duties accompany the soldier to the battlefield. He must keep his word with the enemy; he must show humanity and pity. As far as possible, he must spare the conquered. Writing to the same, before his defection and when he had been entrusted with the subjugation of native tribes, he says:

> If the enemy who is fighting must perish, let it be by necessity, not by your will. If rebellion and resistance call for violence, the conquered or the captive has a right to compassion, especially when clemency does not jeopardize the interests of peace.[3]

Such is, in outline, the theory of St. Augustine on war. It is characterized by sound sense, and attempts to bring the faith of the Christian into harmony with his civic duties. The saint recognizes the lawfulness of military service and of war, but emphasizes the difference made to the

[1] *De Civ. Dei*, xv, 4. [2] *Epist.*, 220, 12.
[3] *Ibid.*, 189, 6.

notion of just war by the Christian ideal, and also the difference made to the methods of waging war.

The theory is not particular to Augustine, for the same outlines are found in the writings of most of the bishops of the fourth century, especially St. Ambrose. His merit is to have diffused it among those who had need of its lessons, the man of the world, the statesman, the soldier, for he was in correspondence with them all. And in particular, he impressed it deeply on the minds of the faithful through his work, *De Civitate Dei*, destined to secure the admiration and study of subsequent generations.

The central point of the theory is the notion of justice. No doubt even heathens, as Plato, Cicero, and Seneca, had spoken of the necessity of justice in war, but in reality the absolute supremacy of the State had annulled the notion. Augustine and his contemporaries transferred the domain of justice from the citizen to the man. That is, by making God the principle of justice the arbiter of just causes was now man's own conscience. The result was seen in the sweeping condemnation of Rome's wars in the past, and of all future wars of mere ambition and conquest.

The one weak point in his doctrine is his Old Testament conception of war: it implies a continuous and direct intervention of God in the world's affairs, and takes war out of man's control. But in reality, with the advent of the New Testament, God no longer ordains war as in the Old. To conscience is left the task of deciding whether a war is just or not, and unhappily the ideal of justice varies with the conscience of each, espe-

cially when the divergent interests of opponents are concerned. Later theologians saw this weakness, and endeavoured to remedy it by seeking a foundation for the criterion of justice independent of the parties to the dispute; they thought they had found it in the arbitration of God's representatives on earth—the Church or the Pope. But we are still awaiting a final solution to this difficult problem.

Be that as it may, the doctrine of Augustine made its mark on international history. As late as 1148, the majority of St. Augustine's texts on war were incorporated in the *Decretum Gratiani*, a summary of Canon Law. Thence in all probability St. Thomas Aquinas drew his knowledge of St. Augustine's teaching. It was principally through Gratian and Aquinas that the saint's doctrine passed into the schools and received a further development at their hands.

We will go on to consider how St. Thomas treats the question.

(8) St. Thomas Aquinas

108. The great work of Aquinas was to systematize theology and morals. He unified Tradition by expressing it in the terms of one philosophy borrowed from Aristotle. The result has been recognized and approved by the Church, and for this reason we may select it as the norm of her mind in his time. St. Thomas flourished in the thirteenth century. He was born in 1226 and died in 1274, having taught theology at Paris the greater part of his life.

His doctrine of war is drawn from the *Decretum Gratianum*, and through it from St Augustine. It differs in no important respect from the latter,

but consists in an ordered and reasoned *résumé* of his scattered teaching on the point.

In regard to the fundamental question, whether war is ever permissible, it may be said that by this time the discussion was little more than academical. It regained some importance in the time of Luther, who contended that Christians had no right even to resist the Turks, but the arguments in justification of war varied but little, if at all. It was introduced by scholastics rather in order to give completeness to their treatises than because there was a moment's doubt about an affirmative answer. But greater attention began to be directed on the motives justifying the waging of war: in other words, the question "What constitutes a just war?" was analysed more closely.[1]

109. (1) *War is Permitted if it be Just.* A just war demands three conditions.

(*a*) It must be declared by the *legitimate authority*, by the "prince." In the Middle Ages this word denoted any corporate body or person that exercised legitimate authority, Emperor, King, Lord, &c., whether ruling a kingdom, province, or city.

(*b*) The war must have a *just cause.*

In order that the cause may be just, those who are attacked must have merited the attack by reason of some fault. This is the reason that St. Augustine says: "Just wars are defined to be those that avenge violated rights (*injurias*), when the nation or city is to be punished because it has neglected to punish evil done by its own subjects or to return what has been taken unjustly (*per injuriam*)."[2]

(*c*) The third condition is a *right intention,*

[1] St. Thomas treats the question of war in 2.2æ, *Quæs.* 40.

[2] *Loc. cit.*, art. 1.

namely the intention of furthering some good or of preventing some evil.

The absence of any of these conditions renders the war immoral.

The first declares unlawful any war waged by a private individual. The second requires the violation of a right. War is therefore an act of "vindictive"[1] justice, whose aim is to punish injustice, and to restore the equilibrium upset by the unjust act. Thomas does not proceed further than this in his analysis of a just cause; it was left to his successors to particularize the nature and gravity of the cause that justified taking up arms.

The third condition brings into relief the end of war, namely the restoration of peace by a restoration of rights. The end of war is peace. Wars of conquest, of ambition are condemned by the two last conditions, and later Vittoria will not hesitate to condemn as unjust many of the Spanish wars in the New World.

110. St. Thomas considers three subsidiary questions:

(1) Subjects are bound to obey when called upon by the legitimate authority to wage a just war. He nowhere considers the duties of subjects when the war is unjust, nor are we warranted in transferring to this intricate question the general remarks to be found elsewhere on the duties of subjects in regard to *unjust orders* issued by superiors.[2]

(2) Clerics and bishops are not allowed to take active part in the operations of war. They may

[1] For the meaning of the word "vindictive" in this connection, *see* n. 44.

[2] Cf. 2.2æ, 104, art. 6.

accompany armies in order to minister to them spiritually, they may exhort them and lead them to war, but the exercise of arms is incompatible with the clerical state.[1]

(3) Stratagems are allowable in war, so long as they consist in methods of hiding the truth from the enemy. But it is not allowable to use stratagems by telling the enemy positive lies or by breaking one's word.[2]

(4) *Booty*. All booty taken in war becomes the property of the belligerent who has justice on his side; but if booty be taken in unjust war, the belligerent is guilty of rapine, and is bound to restitution.[3]

No distinction is here drawn between booty taken from combatants and non-combatants. This is all the more remarkable, as Urban II had extended the *Truce of God* (Appendix A) to the whole of France—where St. Thomas taught —in 1095. By this Truce all attack was forbidden on priests, monks, children, the aged, and unarmed peasants. It was left to later scholastics to consider the rights of non-combatants in war (*see* next section).

St. Thomas follows St. Augustine in meeting the objections to war raised from Scripture. As we are not concerned directly with these difficulties, there is no need to enter into details. Suffice it to mention that he refers our Lord's dictum "All that take the sword shall perish with the sword" to its use by a private individual without the sanction of his superior; this is, in fact, what happened when Peter drew his sword to defend his Master.

[1] 2.2æ, 40, 2.
[2] *Loc. cit.*, art. 3.
[3] 2.2æ, *Quæs.*, 66, art. 8.

The doctrine of non-resistance is to be applied to the individual's own good: since it may become a precept in certain conditions, it requires some ascetic preparation of mind to acquire it, for use when need arises. But the common good, the good of one's own state, or even that of the enemy, may demand resistance and the use of force.

Thus Aquinas, while recapitulating the doctrine of war as it had been hitherto understood in the Church, threw out a few suggestions which were to be made the basis of a further development by subsequent moralists. These were, a more detailed treatment of a "just cause," and the relations of belligerents. In the former, Christian thought had already broken off with the Roman concept of what may be called "State justice," by introducing the notion of a common brotherhood of man: in the latter, Christian charity was to introduce a softening influence which, in theory, has continued increasing to the present day.

(9) The Catholic Doctrine of War in the Middle Ages

111. This period is characterized by a more analytic treatment of the elements which constitute a just war. An impulse was given to the investigation by the discovery of the New World, which resulted in wars of conquest by the Spaniards to establish their domination there. As was natural under the circumstances, the question was most completely threshed out by Spanish theologians, who formed in the fifteenth and sixteenth centuries a remarkable group of men of the highest intellectual attainments.

Among them two especially stand out prominently in international science—Francis de Vittoria and Francis Suarez. The former was born in 1480 at Vittoria, joined the Dominican order, and professed theology at Salamanca—the most famous University in Spain until that of Alcala was founded by Cardinal Ximenez in 1500. Suarez was born in 1546 at Granada, joined the Jesuit order, taught theology at Valladolid, Rome, Alcala, Salamanca, and Coimbra, and died at Lisbon in 1617.

Others worthy of notice are Dominic Soto (1494–1560), pupil of Vittoria; Gabriel Vasquez (1551–1694); John de Lugo (1583–1660), all Spaniards; and Cajetan (1469–1534), Italian.

112. (1) *War is Permissible.* This discussion ran along the lines traced by previous moralists. Suarez[1] treats the point with some originality. Proposing the difficulty that war, with all its slaughter, is incompatible with the ideal of the Christian, which consists in the love of God and one's neighbour, he answers that a just war is not so. For goodwill depends on Peace, and this in turn can only be established if justice governs the relations between States. When this is seriously disturbed, war is often the only means of obtaining a true and lasting peace. Further, war does not in itself connote hatred of one's enemies; it implies, no doubt, hatred of the unjust act committed, with the intention of punishing it. But punishment of a crime is quite consistent with goodwill towards the criminal. Nevertheless, he adds, though war is not an evil in itself, yet on account of the evils it inevitably brings in its train the need of waging

[1] *De Caritate. Disputatio*, xiii.

it must be very pressing before it can be declared lawful.

113. (2) *What Constitutes a Just War.*

(i) *A Nation is always Justified in Repelling an Unjust Attack by Force of Arms.* This was the universal teaching.

As regards defensive warfare, there can be no doubt [that it is permitted], for one may always repel force by force.[1]

Nevertheless, if the attack be just, it is no longer lawful to defend one's self by force.

Whoever has been justly and legitimately condemned may not defend himself against his legitimate judge.[2] The author is speaking of war.

But if there be any doubt about the justice, there is a stronger obligation on the part of subjects to follow their prince than in a doubtfully just offensive war.[3]

Nor does a defensive war require the authorization of the prince before the subjects take up arms. This condition only applies to offensive warfare.[4]

(ii) *What Constitutes a Just Offensive War.* Three conditions must be fulfilled: (A) Legitimate authority. (B) Just cause. (C) Right intention.

114. (A) *Only the Legitimate Public Authority can Declare War.* It is necessary here to say a few words on the theory of theologians as to the derivation of authority in order to understand their teaching about war.

The authority of the State is not derived from

[1] Vittoria, *De Jure Belli*, 3.
[2] Soto, *De Justitia et Jure*, V, vi, 4.
[3] Vittoria, *op. cit.*, 31.
[4] Vittoria, *op. cit.*, 3; Suarez, *De Caritate. Disp.*, xiii, § 2.

any pact or contract between men. Authority, with its corollary, the right to punish, comes from God. It comes from Him in the sense that, man being *by nature* made for society, God, in implanting this nature in him, has by that very fact endowed society with all the necessary means for preserving itself, and of these authority is the most important. It was further held by many theologians of this period that the authority resides in the first instance in the nation as a whole, and is by it *transferred* to the "Prince," who henceforth becomes the wielder of this power as minister of God, "an avenger to execute wrath upon them that do evil" (Rom. xiii. 4).

No individual, as such, has any natural supremacy over other men, nor has he, as individual, any right to punish others, much less has he the right to punish by killing. Hence this power which is undoubtedly found in States, and is necessary to their preservation, comes to them from God. It cannot come from positive institution, because no one can give a power he does not possess.

This is the clear teaching of our authors; for instance, Vittoria:

> The State (*respublica*) has the power of killing by divine right.[1]

and again:

> The State has the duty of committing this power only to such a one as will put it into operation justly, otherwise it places itself in peril.[2]

Suarez agrees with Vittoria, and as regards the derivation of authority from God in some way or other, all authors are in accord.

[1] *De Potestate civili*, 7. [2] *Ibid.*, 12.

This right of punishing is intended primarily for use within the State. The Prince has certainly the right therefore to punish malefactors, be they single or a collection (as in the case of a city or province in rebellion), who are his own subjects, and has the power of killing, if the gravity of the case demands it. This same power they proceed to extend to the cases where malefactors are foreigners, by the following considerations:

If a foreigner commits some unjust act, the first thing to do is to ask the proper authority to punish it. But if the latter will not fulfil his obligations; if, on the contrary, he takes part with the malefactor; if he himself is one of those who has violated the just rights of the offended State, is the crime to remain unpunished, so that order cannot be re-established, and the offended State be made subject to constant vexatious treatment, making peace within its borders an impossibility? No, for in presence of such a dereliction of duty, the authority which the offending State has refused to exercise passes over to the offended State, and the latter, by reason of this temporary authority, has *the right to judge and condemn, if need be, the culpable people and State, and to declare war on them.*

War therefore is nothing but the execution of a judicial sentence. It is an act of "vindictive" justice.

This is the cardinal principle that underlies the treatment of war by all the moralists of the Middle Ages, the only one professed until the end of the sixteenth century: The authority who declares war is acting in the quality of judge of his enemies. This rôle gives him his rights and at the same time limits the power he may

justly exercise over them. On account of the importance of this principle, a few examples from various authors will be given to show how they proposed it.

Cajetan [1] states that while a private individual is permitted to repel force by force and no more, a State may not only do this, but likewise *punish* the injustice of which it or one of its subjects has been the victim.

> And this applies equally to foreign culprits who are not its subjects. . . . When the culprits are foreigners, this right to punish flows from the fact that each State must be self-sufficient. But if it had not the power to punish foreign peoples and authorities it would be imperfect and incomplete ; for then tyrants, criminals, thieves, assassins, brigands, and all citizens of a foreign State who committed evil actions would escape punishment altogether, and there would be a defect in the natural order in matters of supreme importance.

Suarez : [2]

> In order to preserve peace within the State, there must be a legitimate power to punish the crimes of subjects. So, too, in the world, in order that States may live at peace, there must be a power to punish violation of rights between States. But this power does not reside in any power superior [to the States themselves], since there is none in our hypothesis. It must therefore perforce reside in the Sovereign of the State wronged, to whom the other becomes subject by reason of his fault. A war of this kind takes the place of a sentence of vindictive justice.

Vittoria : [3]

> Offensive warfare has for object the *punishment* of an unjust act and to extort satisfaction from enemies ; but this cannot be done unless there has been a previous fault and the violation of a right (*injuria*).

In section 19 of the same work, he justifies the

[1] *Commentaries in St. Thomas*, iii, in 2.2æ, *Quæs*. xl.
[2] *De Caritate*, XIII, iv, 5. [3] *De Jure Belli*, 13.

right by the same process of reasoning as in the above quotations.

The above will suffice to exemplify the unanimous teaching of moralists at this time.

It will be seen from the theory so far put forward why war must be declared by the legitimate authority. Being the execution of a sentence passed by a judge, and including in itself the power of life and death over the culprit, it can only be exercised by the authority which has such a power, and its mandatories. The sentence of death is supposed to be deserved, since it is universally laid down that war may only be waged for the most serious violations of right and in the last resort.

Hence the soldiers employed by the proper authority have the right to kill, within the limits of their mandate, just as the executioner has, but only within those limits. This forced on the moralists the consideration of the treatment to be accorded to non-combatants, as will be seen. It further compelled them to consider what were the limits of the authority of the enemy who had justice on his side. (*See* n. 119.)

115. (B) *There must Exist a Just Cause for War.* This, as follows evidently from what has already been said, must be the violation of some right.

There is but one just cause of war, the violation of a right.[1]

There can be no just war without a legitimate and necessary cause. This is certain and evident. As to this just and sufficient cause, it consists in a grave violation of right, which cannot be repaired or punished by any other means.[2]

[1] Vittoria, *De Jure Belli*, 13.
[2] Suarez, *De Caritate. Disp.*, xiii, § 4.

This resort to war as a last resort, when all other means have failed, is insisted on by all as a condition of its lawfulness. It is so obvious that it is useless to illustrate it by quotations.

Vittoria examines in detail some possible causes of war that might be alleged as sufficient to justify war. He rejects them all. They are :

(1) Difference of religion.

(2) Extension of empire.

(3) Some advantage accruing to the prince in particular, as an increase of glory.

He concludes by the quotation given above, that there is only one just cause of war, namely, the violation of a right.[1] In his treatise, *De Indis*, which referred to the natives of the provinces seized by the Spaniards in America, he rejects many other spurious titles which had actually been put forward by the conquerors in defence of their actions. They claimed that they had the right to take possession of these lands, and that consequently the attempts of the natives to rebel against their authority was punishable by war. They founded this claim :

(i) On the right of the "first occupant." Vittoria makes the obvious reply that the natives were in occupation before the Spaniards arrived, and therefore had lawful possession of the land.

(ii) The Indians are an inferior race.

(iii) They are infidels.

(iv) They are deprived of reason.

None of these reasons, says Vittoria, is sufficient to deprive the natives of their property, which is theirs by right—even supposing they were true reasons, which he does not admit.

(v) Indians may be deprived of their territory,

[1] *De Jure Belli*, 10 *sqq*.

because of their crimes, especially crimes against the natural law.

"Christian princes," answers our author, "have no authority whatever to punish crimes committed by barbarians, even though they be against the natural law: nor can the Pope give them authority to do so, for he has no jurisdiction over infidels."[1]

Suarez and Soto concur in this opinion.

Vittoria admits that civilized nations may intervene in favour of innocent subjects whose rights are being violated by the tyranny of the Indian chiefs. They may compel these to abandon their evil customs and criminal rites.

The only just cause which the Spaniards might have for waging war against Indians would be where the latter refused to accord them those rights which belong to every human being—so long as they behave themselves—of living in society with any other. Strangers have the right to enter another country, to live there, to carry on commerce, and so forth, provided they do no harm to the inhabitants. If these rights are refused without just cause, if the refusal is persisted in after representations have been made, it may become lawful to vindicate these rights by force of arms, and to assume domination over the country to secure their being respected.

But Vittoria hints plainly enough that the Spaniards had given the natives quite sufficient reason to suspect them; in any case, the way they set about conquering the American possessions did not fulfil any of the conditions he lays down. These conditions, as will be easily noticed, depend on the fundamental principle, that the

[1] *Op. cit.*, ii, 16.

sole cause of just war is the violation of a right.

116. The conclusion to be drawn from this principle is that *war cannot be just on both sides at the same time.* Doubtful rights do not give a just cause; the existence of a right must be established, before any one can be condemned for having acted against it. In case of doubt, therefore, the dispute between States must be otherwise settled.

Given that a prince is in *bona fide* possession, if a doubt arise and, after as serious and impartial examination of the matter as possible, persists, he has the right of not giving up what he possesses, and another prince has not the right, in the same conditions, of depriving him of his possession.

[But if it be a case, not of possession, but of inheritance, and a dispute arise between two Powers, with equal show of probability on both sides and without any certainty being possible] it seems that if one of the parties offers a compromise, such as a partition or partial compensation, the other is bound to favour the proposition, even though it be the stronger Power and able to make itself master of the whole by force of arms; otherwise it would be without a just cause.[1]

Vasquez discusses the case of doubt at length in his Commentary on St. Thomas, *in secunda parte, Disp. lxiv. cap.* 3. He concludes that when doubts cannot be raised, the parties to the dispute must have recourse to arbitration, for, says he, to allow that they may in such a case leave the issue to the sword is altogether unheard of.

A war of this nature would be unjust on both sides. There is, however, one case where the war may be just on both sides.

Apart from the case of invincible ignorance, it is evident that war cannot be just on both sides at the same time;

[1] Vittoria, *De Jure Belli*, 27–30.

for if both parties have evident rights war is not permitted, neither offensive nor defensive.[1]

War cannot be just on both sides at the same time, except in the case of invincible ignorance.[2]

Ignorance is said to be "invincible" when it remains, after all diligence possible has been employed in examining the case. This ignorance will more likely be found among subjects than among the authorities.

117. (C) ***A right intention is required to make the war a just one.*** The word "just" must be here understood in a slightly different sense to that given it in the phrase "a just cause of war." It means "in accordance with reason, inspired by natural or supernatural principles," and refers to the act of will which determines on the prosecution of war. It may be that an evil intention, *e.g.* the will to do the opponent as much harm as possible, to satisfy a grudge, or to seize upon as much of the property of the enemy as possible, vitiates this act and renders it *sinful.* It will not affect the justice of the objective cause of war; at least, so nearly all the authors taught. A State has the right to keep what it has justly recovered, even though it has not acted from a right motive from the moral point of view. If a person snatches a five pound note out of my hand, and in the process of recovering it by force I take the opportunity of wiping off old scores against him, I still have the right to retain the money regained, though I may be liable for the wanton damage committed over and above what was necessary to persuade him to return his ill-gotten gains, and though my

[1] Vasquez, *loc. cit.*

[2] Vittoria, *De Jure Belli*, 32. Similarly Soto, *De Justitia et Jure*, book V, Qu. 1, chap. vii.

motive, in so attacking him, may be sinful. Cajetan explains this very clearly in his *Summula*, sub voce "*Bellum.*"

There is (in such a case) no cause for restitution, for the thief or the vanquished has been justly deprived of what he had taken and suffers no unjust damage, although it is true that on the part of him who passed sentence of condemnation (*i.e.* the adversary) there is malice hurtful to the soul, since he performed a just action without the intention of acting justly.

118. *Obligations of Princes and of Subjects.* The authorities on whom the declaration of war depends are bound to take as much care to ascertain the justice of the cause as is a judge to discover by a careful sifting of evidence the innocence or guilt of a prisoner.[1]

If subjects are convinced that a war is unjust on their side the moralists agree that they are bound not to take part in the fighting. But, as a very general rule, they are not bound to make enquiries into its justice; they may presume that this has been done by their authority. As a matter of fact, says Vittoria, those not in the diplomatic service cannot be in a position to judge, as it would be neither possible nor expedient to make public to everyone the affairs of a nation. Moreover, granted that the general public were in a position to judge, they would not be listened to. Hence they would have made their inquiry fruitlessly.[2] As a consequence, it may often happen that, as far as the soldiers are concerned, the war is just on both sides.

This important conclusion led the moralists to consider the treatment to be meted out to the

[1] Vittoria, *op. cit.*, 20 *sqq.*; Suarez, *op. cit.*, xiii, § 6.
[2] *Op. cit.*, 25. *Item*, Suarez, *op. cit.*, xiii, 6.

various culprits engaged on the side of the unjust adversary.

119. *Treatment of Enemy Subjects.* The rights of the victor (supposing of course he has justice on his side) are:

To retake what he had lost.

To make peace certain, since this is the end of war.

To punish the culprits.

In regard to the first, the victor may also claim compensation for his losses during the war.

Enemies' goods may be seized to the amount of the expenses of the war and of the damage unjustly inflicted by the foe, for

(1) They are due by the enemy.

(2) A private individual, when he has no other means, may seize all that a debtor owes him.

(3) If there were a legitimate judge of the two parties at war, he would have to sentence the unjust aggressors not merely to the restitution of the things taken, but further, to the reparation of all damages, including the expenses of the war. But the prince who has justice on his side plays the part of judge: he may therefore exact compensation from the enemy for all damage. . . .

Territory, fortresses, fortified towns of the enemy may be taken and kept to compensate for the losses caused by the enemy, if these, *e.g.*, have burnt a town or forests or vines or olive plantations.[1]

Since peace is the aim of war, actions are permitted, beyond the above, which are necessary to secure a lasting peace. Hostages, arms, ships, the cession of a fort or town may be exacted when these are "loyally and in good faith" judged needful for the purpose

The punishment which war is intended to inflict on culprits may be either booty taken from

[1] Vittoria, *De Jure Belli*, 17 and 54.

them, slavery, death or other methods. We will treat only of the third of these.

120. (1) It is never allowable to kill the innocent intentionally.

Hence, even in wars with the Turks, it is not permitted to kill women and children.

In wars among Christians, inoffensive tillers of the soil may not be killed, or the whole civil and peaceful population; for all must be presumed innocent until the contrary is proved. For the same reason, strangers either travelling through the country or inhabiting it may not be put to death; and clerics and religious, who are to be considered innocent unless the opposite is proved, as when they are caught arms in hand.[1]

But operations of a deadly nature are allowed against culprits, even though it be foreseen that in the process many innocent will be accidentally killed; as when a town is bombarded.

121. (2) As regards the guilty, death may be inflicted, even after the war, at least on the chief culprits.

When victory has been gained and danger has passed the guilty may rightly be put to death. . . .

But the sole motive of punishing a violation of right is not always sufficient to justify the capital sentence on all the guilty. It would not be permitted, in the case of the citizens of a place, to put all the guilty to death for a crime committed by a province or a town; or in a general revolt to execute a whole population. . . . The punishment must be proportionate to the wrong done and to the losses caused.[2]

In strict justice, says the same author, prisoners may be put to death if they be guilty. But international law must here be taken into account, and it forbids the slaughter of prisoners, unless they attempt escape. As to hostages, these may not be put to death unless the enemy has broken

[1] Vittoria, *op. cit.*, 35. [2] Vittoria, *op. cit.*, 47.

faith, and then only when the hostages are among the guilty. Women, children, and other innocent people may never be killed.

122. We may conclude by a passage from the oft-quoted work of Vittoria which shows that in practice, according to him, this punishment of death after the war can be rarely exercised. The passage will be found in Sections 59 and 60:

> It must not be forgotten that punishment must be proportioned to the guilt of the one who is to be punished. It can happen that princes, even without just cause, will make war in good faith, in such good faith that they cannot be considered guilty. In that case they may not be punished, nor, therefore, can anything be taken from them above a just compensation, nor may they be put to death. And it is well known that the case of good faith, even in an unjust war, may frequently occur among the soldiers.
>
> When victory has been gained and the war is over, it must be used with Christian moderation and modesty: the victor must look on himself as judge who is deciding between two States, one of which has violated the rights of the other. As judge, and not as prosecutor, is he to pronounce sentence restoring justice to the injured party. But after having chastised the guilty as they deserve, he must bend his efforts to reduce to a minimum the disaster and misfortune that have overtaken the guilty State; the more so as, among Christians, the fault lies for the most part with the princes: for subjects are in good faith in fighting for their princes, and it is unjust to a degree, as the poet says, that the Achaians should be punished for the follies of their kings.

II. GROTIUS AND SUBSEQUENT DEVELOPMENTS

(By FRANCIS F. URQUHART, M.A.)

123. *The Middle Ages.* It is the habit among a number of modern writers on international law

to eliminate the Middle Ages. According to some these ages were too barbarous, "a period of darkness little favourable to the evolution of legal principles"; according to others, Europe was a commonwealth under Pope and Emperor and there was therefore no occasion for international law. As a matter of fact the sovereignty of the Emperor was hardly ever anything but illusory; and the Popes, when they endeavoured to make peace between contending States, took up the position of arbitrators and representatives, of the moral law, not that of sovereigns (*see* Appendix). Hence the Middle Ages are rich in examples for international jurists, indeed Bishop Stubbs has pointed out that mediæval wars were as a rule wars of rights, the combatants "alleged a legal claim or a legal grievance; and, in the majority of cases, real legal claims and real legal grievances."

Reformation and Renaissance. It is true, however, that the absolute independence of each State, which is the basis of the seventeenth century international law, did not become fully accepted till, in the sixteenth century, mediæval Christendom was split into fragments. The ferocious individualism of the Renaissance period was transferred to the State and the classical expression of this change is to be found in the writings of Machiavelli; in them there is no sign of the conception that the actions of the State come in any way under the moral law. The Reformation which followed the Renaissance increased, on the one hand, the authority of the State, while on the other it added bitterness to the wars of the sixteenth century.

124. *Grotius.* By 1600 the first and most

violent period of the Wars of Religion was over and there came a short interval of attempted reconciliation. In many quarters efforts were made to heal the wounds of Europe, and one of these efforts was the great work of Hugo Grotius on international law. His *De Jure Belli et Pacis* was published in 1625 after the beginning of the Thirty Years War, but it is the fruit of the period of pacification. He was a universal genius; a Dutch Protestant, but one of the leaders of the Arminian party who were in favour of toleration and who were harshly persecuted by the Calvinists. The principles that underlie Grotius' treatise are those of Christian tradition and of the ethical system elaborated by the schoolmen and by the great theological writers down to Suarez, for whom indeed Grotius professed a great admiration. In the application of these principles, too, Grotius made great use of the two systems of Roman and Canon Law, systems which had become naturalized in, or been created by, the Middle Ages; it is thus possible to say with Dr. Figgis that international law is a sort of legacy of the Middle Ages. On the other hand the scale and thoroughness of the *De Jure Belli et Pacis*, its exclusive devotion to international problems and its connexion with current events make it a work of great originality. It owed its existence more to the political conditions of the time than to its literary parentage, and the author writes more as a man of action and practical experience than he does as a scholar. In the introduction to the work he describes his motives: "I saw prevailing throughout the Christian world a licence in making war of which even barbarous nations would have been

ashamed; recourse being had to arms for slight reasons or no reasons; and when arms were once taken up, all reverence for the Divine and human law was thrown away, just as if men were thenceforth authorized to commit all crimes without restraint." (*Prolegomena*, para. 28.) Thus though Suarez and Grotius were contemporaries—Grotius was thirty-four when Suarez died—they belonged to entirely different schools. Suarez has his place in the great succession of encyclopædic theological writers: Grotius represents a reaction from the anarchy and lawlessness into which Christendom had fallen and from Machiavelli's non-moral treatment of national questions. It is with justice, therefore, that the Dutchman has been called the founder of modern International Law.

125. "*Law of Nations*" *and* "*Law of Nature.*" Grotius puts under two heads the law which he expounds. There is the Law of Nations and the Law of Nature. The Law of Nations includes all those rules and practices which have been adopted by the general consent of nations and which individual nations are for that reason bound to accept. The articles of The Hague Conventions of recent years represent to some extent a codification and a confirmation of this "Law of Nations." In endeavouring to establish this general consent, Grotius makes use of every kind of historical or literary evidence. There is a danger, however, which he does not altogether avoid of founding this "Law" upon practice. In domestic law a precedent always means a judgment, a decision as to what is right; but in international law there is a tendency to turn the *acts* of nations into precedents without

first deciding whether those acts were right or wrong. As a matter of fact this Law of Nations is much more explicit on minor points such as the privileges of ambassadors, than on the big problems of international morality. Far more important, therefore, is the *Law of Nature* or the applications of general moral principles to international affairs. Natural Law has often been used by moral philosophers to signify those principles of conduct by which men would be bound in their relations with one another even if there were no State, no positive law and no sanction to enforce it. Now, there is no "State of States," no positive international law beyond the provisions of treaties, and no international sanction. States in their relations with one another are, therefore, much in the same relation as individuals would be in this hypothetical "state of nature." In their case natural law takes the place of positive law and the absence of an international coercive power does but increase the moral obligation pressing on the conscience of rulers and people. The underlying assumption is, therefore, that all States are moral persons, equal and independent units, whatever their size or power, and the territory of the State is treated by Grotius as if it were the private property of an individual. So closely does he connect the two that he has a long digression on the origin of property: like an individual, again, a State can make contracts or treaties, and like an individual it is bound by them. Collective morality does not differ in its main lines from individual morality, and just as an individual in a stateless society may resist injury by force, so resistance to injury is the

only cause of a just war. Grotius does not justify wars for the preservation of the "balance of power"; an *imminent* injury may, however, be repelled by force. With this more or less deductive method, illustrations from history are constantly combined, illustrations drawn rather unsystematically from times ancient and modern, for the versatile Grotius was amongst other things a scholar and a historian.

126. *The Influence of Grotius.* The *De Jure Belli et Pacis* became immediately popular with princes and with people—the world was weary of confusion and futile bloodshed and seemed in Grotius to find once more its conscience. The cynic might point out that the book seems to have had little influence on the course of events; thus the years after 1625 were as full of war as the years that had preceded that date. It is impossible, however, to discuss what would have happened if Grotius had not written. Perhaps wars would have been still more numerous and methods of war more cruel. It is at least certain that an ideal of international action was set up, a set of principles generally accepted which would serve as a standard. Such an accepted standard would be sure to have some effect on international action. In the universities International Law became a subject of special study and Grotius has a series of commentators and intellectual descendants down to the popular Vattel of the middle of the eighteenth century. But those who followed Grotius did not add very much to the work of the Master; they differed from one another mainly in that some laid more stress on *a priori* moral principles, others on international custom.

127. Thus there existed in the eighteenth century a definite set of principles with practical applications, something almost precise enough to be called "a code," according to which governments should have acted. A very superficial knowledge of contemporary history would show that in practice these rules were constantly broken. Good men would blame such breaches of international law and even unscrupulous governments would attempt to justify their conduct. The age was not a moral one in any sense, and the mere fact that the law was broken did not invalidate the law. International justice might survive the Partitions of Poland just as the ideals of private moral conduct could survive the scandals of the Court of Louis XV. In other words, there was hardly any theoretic opposition to the system of Grotius before the French Revolution.

French Revolution and Reaction. The Revolution, however, left few principles untouched. It immediately detected one of the weak points of the accepted international code. Grotius, following the practice of his day and accepting the results of the sixteenth century, had identified a State with its ruler. Revolutionary politics revived the conception of the "Nation." The French, first in their own case and then in that of their enemies, made a distinction between the Sovereign and the nation. To recognize these popular rights did not, of course, alter the general principles of collective morality, but it rendered their application much more difficult. It was much simpler to consider the collective personality of a nation as embodied in its sovereign. Yet what is simple is not necessarily

true, and in this matter it seems clear that the French were right and the seventeenth century legists wrong. Other attacks of the French Revolution on the old Law of Nations were less justifiable, and as soon as the tide of success turned in their favour the French proved as arrogant towards weaker States and as careless of their independence as ever absolute sovereigns had been. The example set by the Revolution was eagerly followed by Napoleon, and the period of the great European War was not favourable to international justice. The defeat, however, of the French might be taken as the triumph of the old system, and the unpopularity of the Holy Alliance, an attempt to govern Europe by international congresses, emphasized the advantages of the old principle of independent States equal in rights. "Things are getting back to a wholesome state again," wrote Canning, "every nation for itself and God for us all."

128. *The Principle of Nationalities.* It may be said then that the old principles of international law survived the revolutionary and Napoleonic epoch, though they emerged from the trial severely battered and with their prestige much diminished. During the course of the nineteenth century these principles were destined to meet an enemy more fatal even than Napoleon. The Principle of Nationalities, at least in its modern form, may be said to have been born when Poland was partitioned. "Thenceforward," as Lord Acton expressed it, "there was a nation demanding to be united in a State." The French Revolution by insisting on national and popular rights, and Napoleon by attacking nationalities in Germany and Spain, contributed

to the development of the new principle. It is not easily defined, for it has meant different things to different people, but in its simpler and earlier form, the Principle of Nationalities is the assertion that a body of men large enough and united enough to form a "people" have a right to independent political existence provided they demand that independence with determination and perseverance. The Greeks had a right to win their independence from Turkey whatever form the Turkish Government might take. The Italians had a right to drive out the Austrians even though the Austrian provinces were probably the best governed in Italy. This principle does not primarily touch international law; it is a question of domestic politics, a question of legitimate rebellion—but foreign intervention may occur almost immediately. France and England claimed the right to help the Greeks while remaining the friends of Turkey, and they destroyed the Turkish Fleet at Navarino while professing still to be the allies of the Turkish Government. Later on in the century France attacked Austria in order to drive her out of Italy. It was impossible to justify such acts by the traditional international law. The Turkish Government used to point out that the Sultan never claimed the right to intervene on behalf of Indian Moslems and to ask why should England help the revolted Christian subjects of Turkey. It was not easy to find an answer in the pages of Grotius. On the other hand, it is very difficult not to sympathize with the wish of the Greeks to be independent of Turkey or of the Italians to be freed from Austrian rule. Here is clearly a problem of international law

which requires careful statement and much discussion. It cannot be settled offhand.

But the Principle of Nationality came to mean more than merely the claim of a "nationality" to independence. It came to include the claim to unity. The Italian Nationalists claimed that they had a right to compel the different Italian States to abandon their independence and put themselves under the House of Savoy because the sovereigns of that House represented the movement for unity. The new loyalty to "Italy" was held to override the traditional loyalties which Tuscans owed to the Grand Duke of Tuscany or Neapolitans to the King of Naples. Here again there were two principles in conflict, and the victory of the cause of unity has been held to excuse, if not to justify, much that was underhand in the methods by which it was secured. The unity of Germany was obtained by more brutal methods, by war, foreign and civil. Bismarck realized that unity was impossible until Austrian influence had been pushed out of Germany, and he in consequence worked up a war between Austria and Prussia. And, indeed, the unity of Germany did seem impossible as long as Austria and Prussia were rivals for predominance. Does the cause of German unity justify Bismarck? These examples are sufficient to illustrate the new problems of International Morality which "Nationalities" have introduced, and it cannot be said that they have been solved. Any re-statement of the principles which should underlie national action must deal with such problems. The discussion of them should, however, be easier now than it was some years back. In the

nineteenth century the Principle of Nationalities seemed to have swept the board. It had become an accepted dogma. But we can now realize its exaggerations. We can see how it has fostered national hatred and how the methods which were resorted to in the cause of unity were often in themselves immoral. If the Sardinian Government had been more straightforward and Bismarck less brutal it is probable that unity would have been much more slowly achieved in Italy and Germany; yet in the end the new Germany would have been more gentle, and the new Italy more dignified. One thing is certain. These problems are fundamentally moral problems and must be judged on moral grounds, they cannot be solved by a consideration of the immediate results. It is only in the very long run that great historical movements can be judged by their fruits, and the movement of nationality is all around us still. The verdict of history, often untrustworthy, cannot in this case even be pronounced. Yet the "rights" of nationalities are at the very core of contemporary international relations. They must be studied by legists and moralists and by all honest men who want to see clearly and to judge justly in questions of national conduct.

APPENDICES

APPENDIX A

THE ACTION OF THE CHURCH IN MITIGATING THE EVILS OF WAR

THE object of this Appendix is to show how the Church has applied the doctrine theoretically developed by her divines. We are not here concerned with all the motives that may have governed her actions in concrete cases—they are always very complex and would need a careful historical investigation. Our aim is to point out that these actions were always guided by the maxim that war is the punishment of the violation of a right, where other means are unavailing. We shall not therefore expect to find her on the side either of extreme pacifists or on that of aggressive militarists. Rather she will use her authority and influence to repress injustices committed in war while putting forth efforts to ennoble the motives for which men are prepared, if need be, to draw the sword.

(1) *The Pax Ecclesiæ or Pax Dei.*[1] Origin. The life benefices given by the Carolingian kings in France had become hereditary fiefs. In this way many local independent magnates had been set up, who defied all authority, and settled their private quarrels by war among each other. They respected no property

[1] Cf. *L'Église et la Guerre.—Les applications pratiques de la doctrine de l'Église sur la Guerre,* by F. Duval; *Ency. Britt.,* "Truce of God"; *Cath. Encycl.,* item.

of non-combatants, not even sanctuaries, clergy or consecrated days, and in consequence France was reduced to a state bordering on anarchy. To meet this deplorable state of things three Councils (Charroux 989, Narbonne 990, Puy 990) decreed that certain properties and persons were to be held inviolable.

> Let them be anathema (so the Council of Charroux) who pillage the poor . . . if any one seizes the goat, the ass, the cow, the he-goat, the pigs of farmers or of other poor persons, unless it be for some fault committed, if he has failed to repair the loss he has caused, let him be anathema.

The movement was taken up vigorously by the clergy, in particular by the Cluny congregation; and, supported by powerful Counts, it spread over the whole of Southern France (Limoges 994, Poitiers 999), whence it overran the whole of France and Burgundy by the opening of the eleventh century.

However, mere anathema did not suffice to check the lawlessness of the private combatants; and when it was further seen that the penalty of Interdict was not powerful enough and struck the innocent as well as the guilty, there were formed "Leagues for the Maintenance of Peace" (Council of Poitiers, 1000). In these both clerics and laymen of all classes took a solemn oath to observe and enforce the Peace, and a militia was created for the purpose (Bourges, 1031). Judicial powers were vested in the Bishop or the Count on whose lands peace had been violated, and tribunals were set up to settle differences between disputants. Here is a type of the oath administered to a member of one of the Leagues:

> I (John) swear upon the Holy Gospels of God, to guard the peace faithfully, to watch in loyal faith over all that touches peace and promise to be true to peace in all things and in every thing implied in peace; I will neither spare nor attack anyone from hatred or interest, and as far as depends on me, I will respect the rights of all. . . .

In 1030 the Pope took up the movement officially, and seconded the efforts of the King of France and the Emperor of Germany to secure it a firm hold in those countries.

At first, the movement was known as the Peace of the Church, but came to be called the Peace of God. Its general aim was to protect non-combatants.

(The decrees) forbade, under pain of excommunication, every act of private warfare or violence against ecclesiastical buildings and their environs, and against certain persons, such as clerics, pilgrims, merchants, women and peasants and against cattle and agricultural instruments.[1]

(2) *The Truce of God* (*Treuga or Treva Dei*) was developed from the Pax Dei. It prohibited every act of private warfare on certain days. It is found in germ in the Synod of Elne, Pyrenees (1027); and being strongly supported by the Church—the Cluny congregation here again taking a prominent part—it soon spread over France. The Synod of Thérouanne (1063) introduced it into Flanders; it found its way into Italy in 1089, into Germany in 1082, and was made universal in that country by the Council of Mainz (1085).

In its developed form hostilities were forbidden from Wednesday evening to Monday morning of every week, and in most places lasted during the seasons of Advent and Lent, the three great vigils and feasts of the Blessed Virgin, those of the Twelve Apostles and a few other saints. By its provisions scarcely more than a quarter of a year was left for fighting, and even so the decrees of the Pax Dei remained in force.

The Popes seconded the Truce, especially as they saw in it a means of uniting Christianity against the ever-growing danger of the Mohammedans. The Council of Clermont (1095), at which Urban II preached

[1] *Encycl. Britannica*, xxvii, 321b.

the First Crusade, proclaimed a weekly truce for all Christians, and safety to all who might take refuge at a wayside cross or at the plough. The Truce of God was reaffirmed by the Councils of Rheims (1119 held by Calixtus II), of Lateran I (1123 under the same Pope), Lateran II (1139 under Innocent II), and Lateran III (1179 under Alexander III). The Lateran Councils mentioned are Ecumenical Councils, *i.e.* Councils representing the Church as a whole.

The Truce was most powerful in the twelfth century. It weakened as the cause of its origin—the practical independence of a multitude of inferior nobles in the kingdom—was suppressed by the gradual centralization of power into the hands of the king. Then the latter substituted his authority for that of the Church, often incorporating the articles of the Truce in municipal and district Statutes, until finally the kingdom was strong enough and organized enough to compel all its subjects to settle their private differences before its appointed tribunals. In England the Truce does not appear to have secured a hold, but its provisions were incorporated in the law of the land (1130–1154).

(3) *The Third Orders of St. Francis and St. Dominic.* These Third Orders, upon which the Church set the seal of her formal approval, were potent factors in arousing the spirit of peace. The work done by the first-mentioned in the thirteenth century was nothing less than a complete social revolution.[1]

The purpose of a Third Order is to apply as far as possible the religious spirit, animating the Order to which it is attached, to the varying conditions of life in the world. It therefore presents a rule of life

[1] *Cf.* on the social action of the Tertiaries of St. Francis, *St. Francis of Assisi* (Abbe Le Monier, Eng. Trans.), chap.xiii p. 288 *sqq.*; *Life of St. Francis of Assisi* (Fr. Cuthbert, O.S.F.C.), p. 282 *sqq.* In the latter will also be found mention of the *Humiliati*, whose social aims were akin to those of the Franciscan tertiaries.

greatly modified to meet these conditions. The Rule of the Third Order of St. Francis was promulgated by Pope Nicholas IV in 1289, but this act was nothing more than the codification of customs already in force for some time.

It aimed first of all at softening the continual feuds which furnished the fuel of so many devastating wars of the period. This it did by imposing the duty of reconciliation of adversaries from supernatural motives, the only ones which can work with equal force on both sides of a quarrel. Another provision of the rule (which is also found among the *Humiliati*) struck at the very heart of the feudal system; it forbade the oath of fidelity except in serious and pressing cases of real need, such as the restoration of peace.

Hitherto this oath had been forced upon all vassals, and had bound them to follow their lord in all his wars, however unjust and tyrannical. Now that this oath was refused, the chief power which made for lawlessness was taken from the feudal lords. This rule of the Tertiaries was in force from the year 1221. Later on, in 1289, it was promulgated by Nicholas IV in words which forbade Tertiaries to carry offensive weapons (*impugnationis arma*), except in the defence of the Church, the Christian Faith, or their own country, or with the permission of superiors (*aut de suorum licentia ministrorum*).[1]

Similar rules governed the *Humiliati* and the *Poor Catholics*, founded before the Third Order of St. Francis, and the *Militia of Jesus Christ*, founded by St. Dominic a little after.

The object of these societies was therefore not to abolish war altogether, but by united social action to make impossible wars carried on to settle private feuds.

(4) *Action of the Church to direct the Military Spirit.* While thus using her influence to extirpate the

[1] *Regula*, cap. vii.

barbarous customs of the times, the Church did not lose sight of the fact that war is sometimes both just and necessary. Her positive action in establishing the Military Orders, her organization of the Crusades, and her fostering of the spirit of chivalry are witnesses to her efforts to place before man the motives which should direct and control the war-impulse, without suppressing it. The aims in each case were to vindicate the rights of the oppressed, or rights which had been grossly violated. The spirit of Chivalry is condensed by one of its historians[1] into the "Decalogue of Chivalry," from which the following is borrowed:

> Thou shalt believe all the Church teaches, and shalt observe all her precepts. . . .
>
> Thou shalt treat with respect all that is feeble, and shalt constitute thyself its protector. . . .
>
> Everywhere and always shalt thou be the champion of the Right and the Good against Injustice and Evil. . . .

The office appointed for the consecration of Knights insists on the same motives of religion and justice.[2]

Many objections have been raised against the Crusades on various grounds, either that they were motived by the mere desire to gain possession of relics, or to stamp out religious differences. The Crusades to the Holy Land would be an example of the first, those against the Hussites and the Albigenses would illustrate the latter.

This view is incorrect, as far as Church authority is concerned. As a matter of fact, the Crusades to the Holy Land had the same motive as had the combined intervention of the Great Powers in China during the Boxer movement, the defence, namely, of peaceful men and women against murderous attacks; in other words, the reparation of just rights grossly violated. That such was the treatment accorded to Christians in the Holy Land is patent

[1] Leon Gautier, *La Chevalérie* (Paris, 1884), Palme.

[2] The Pontifical of William Durandus.

from history. The difference between the Boxer attacks and the Turkish atrocities in Palestine is that the former were not ostensibly favoured by the authorities, whereas the latter were publicly headed by the chiefs. So long as Christians enjoyed the benevolent protection of Haroun-al-Raschid and of some of his successors (ninth and tenth centuries), no measures were taken by Western Christianity to drive the Saracens out of Palestine. It was the advent of the Turks in the eleventh century that changed the position from one of more or less secure habitation to an open policy of extermination.[1]

The Crusades carried on in Europe fall under the same category of motives, the defence of violated rights. Modern historical investigation has proved more and more clearly that the so-called "religious" movements were in reality political revolutions, tending to anarchy. Even so, Innocent III, who promoted the Albigensian Crusade, only moved in the matter when, after much persecution of the faithful, an officer of the Count of Toulouse murdered the Papal Legate, Peter of Castelnau. Moreover, when the Pope learnt that Simon de Montfort was turning the war to his own selfish ends, he warned him that the war was not one of conquest; and when his protests were of no avail, he dissociated himself from the business, declared the war closed as far as he was concerned, and, further, that the conquest was null and void.

The relations of Church to State having changed so completely in modern times, so has our view of their interdependence. But in the days of the Crusades, Church and State did not go merely hand in hand, they were fused, and stood or fell together. Hence, revolt ostensibly directed against the Church always meant revolt against all authority. It was not because the other party differed in religion that

[1] *See* Vanderpol, *Le droit de la Guerre*, etc., n. A, § II ff.

the Church urged the State to wage war; it was because such a party endeavoured to establish itself at the expense of the rights of others and eventually aimed at the foundation of authority. As soon as difference of religion no longer carried these corollaries, moralists laid down that difference of religion was not a just cause of war.

APPENDIX B

THE POPE AS ARBITRATOR[1]

ANY account of the Pope as arbitrator must be prefaced by some explanation of how it was that he rose to the position held by him throughout the Middle Ages, of mediator between kings and princes, and judge to whom all appealed for justice and for peace.

The Church spent its childhood among the smouldering ashes of a ruined Empire. The days when men gloried in the power of Rome had passed away, and men cared only for the *panem et circenses*. Then came a time when men grew tired even of these, and sought about for something more worthy of their efforts, some true happiness. This was the opportunity for Christianity: it exalted man to a dignity unknown

[1] It should be clearly understood that we are not now speaking of the *authoritative* intervention of the Popes in international disputes, but only of *voluntary* intervention, when the Pope either offered himself as mediator or accepted that office at the invitation of the parties. In the case of authoritative intervention the Pope interfered as judge of the morality of the dispute, and called on the offender, as a son of the Church, to submit to his decision. In a letter to the French clergy in 1203, Innocent III justifies his strong action towards France and England on the ground that he does not thereby claim any authority over the sovereignty of the king, but only over his conduct as a son of the Church, and that this is a matter of a sin against charity, for which the king, like all other Christians, must be rebuked by the Church.

before; it gave a meaning to life far more lofty and more noble than the noblest conceptions of the ancient creeds; it revealed an infinite and omnipotent God, Creator of Heaven and Earth, a God of love, made man that men might share His eternal life. This religion exalted poverty and suffering and pain; it showed its power in the countless men, women, and even little children, who faced all suffering and even death rather than forsake it; and after death it promised not a bleak existence in the shades below, but the beginning of a new life, the real life, the only one worthy of our thoughts and efforts. The contrast between the worn-out religion of ancient Rome and this fresh and lofty and appealing doctrine was great indeed. The dignity and spirituality of its conception impressed men's minds. Quickly and steadily it received their service and the Church increased. Rome's rulers at first persecuted it, later they connived at it, and the victory was gained when, in A.D. 313, they sanctioned and even supported it.

Ere long, however, Alaric and his Visigoths, soon to be followed by other barbarians, rushed down on Italy, and trampled on the last remnants of a failing Empire. Amid a scene of wreck, of confusion and disorder, the Church alone remained, not only to resist, but to conquer and subdue to the sweet yoke of Christ these conquerors of the Empire. Thus did she become the chief power in Italy, from which she was soon to spread her influence over the whole Christian world.

The Roman Empire fell from its own weakness and corruption, and under the repeated attacks of the Teutonic invaders. Goths, Vandals, Franks, Angles and Saxons broke into all the old Provinces, and into Italy itself. The old order passed away and in its place there appeared a number of tribal monarchies where the sovereigns executed but little authority over their unruly subjects. It was centuries before this new world acquired the habits of peace which old

Rome had imposed. After a period of anarchy the first saviour of society will be the local strong man, for a centralized system of government requires a less passionate and primitive society. Sovereignty, if it were to be preserved at all, had to be split up, and it is this rule of the small local prince which is the basis of feudalism of mediæval Europe. But the subdivision of sovereignty means an increase in local war, in disorder, in general unruliness and insecurity of life and property. Wars during the feudal centuries, especially the tenth and eleventh, were very numerous, though they were often very small, and the people cried out for peace. The Papacy had during this period itself suffered from the prevailing confusion; but the Church as a whole, especially the monks, took up the cause of peace and succeeded in mitigating the evil in some of the most disturbed parts of Europe by means of the Truce of God. (*See* Appendix A.)

As soon as the Papacy secured its independence of the petty Roman noble families which had interfered with its influence, and appeared once more in the world as an active cosmopolitan force, we find it taking the lead in this work of pacification. Urban II at the Council of Clermont proclaimed the Truce of God, and preached the Crusade partly as an alternative to private war at home. It was not, however, till the larger national States had come into existence and national wars began, that we get papal arbitration in the modern sense of the word.

Innocent III (1198–1216), one of the greatest of what we might call the statesmen-popes, was arbitrator in the affairs of Portugal, Aragon, Armenia, Bulgaria, and Serbia, and decided the dispute between Philip of Suabia and Otto of Brunswick for the throne of the Empire.

Of the mediations of the Popes in the Hundred Years War, the most famous is that of Boniface VIII. Love of peace led him[1] to one of his boldest acts; the

[1] So Hergenröther.

attempt to stop the taxation of the clergy. He hoped by that means to empty the war-treasuries of Edward I and Philip the Fair, and bring about a peace. The effort failed and Boniface had practically to withdraw his prohibition. The national monarchies were too strong for the Pope. If Boniface VIII failed, his successors were not likely to succeed. During the whole of the Hundred Years War we continually find the Popes and their legates wearing themselves out in mediatory work. At times they were successful; more often the negotiations failed. It was a misfortune for the cause of peace that the transference of the papal court to Avignon laid the Popes open to the charge of not being really impartial in a war between France and England. That at least was a convenient English excuse for disregarding the papal mediation.

We possess many details of the mediations of Martin V (1417–1431) in the struggle between France and England and the Duke of Burgundy. They are worth dwelling on as characteristic of the efforts made by the Popes to preserve peace and restore it when it was lost. These efforts, alas, receive little recognition in the story of this war—so often told in connexion with the name of Joan of Arc. The Pope sent in succession to France the Cardinal of Saluzzo and the Cardinal of Bar, he wrote to the Duke of Brittany exhorting him to act as mediator, and to this effect also he sent special instructions to Jacques Gellé, Archbishop of Tours. These efforts failing, he again sent two cardinals to France to act as papal legates in the cause of peace. After the death of Henry V (1422), he wrote to the English Parliament exhorting it to make peace with the Dauphin. To the Duke of Bedford he wrote asking him to help and favour the mission of the Duke of Bologna. He wrote to the Duke of Savoy exhorting him to join with the Pope's legate in working for peace "which is one of the most ardent desires of my heart." To this effect he

also wrote to Charles VII, the Duke of Burgundy and the Duke of Brittany. Finally he sent a new legate to France who helped in the negotiations of the Duke of Savoy which led up to the treaties of Nantes and Chambery.

The work of Nicholas V must also be mentioned, who, to enable Europe to combine against the Turks, offered his arbitration to France, England, Hungary, Roumania, Lithuania, Albania, and the Italian Powers.

The arbitration of Alexander VI between Spain and Portugal is well known. These two Powers quarrelled about the ownership of the many newly-discovered lands of that time. They referred the matter to the Pope, and on May 14, 1493, he issued the Bull *Inter Cætera*, fixing an arbitrary line of division, the territories west of which were to go to Spain, and those to the east to Portugal.

These few cases of papal arbitration, picked from a host of others, will show clearly that though the Popes during the later mediæval centuries were unable to enforce peace, they were looked upon as natural mediators between warring Christian Powers.

We will conclude with a case of papal arbitration nearer our own time, that of Pope Leo XIII between Spain and Germany. The Spaniards had a claim on the Caroline Islands, inasmuch as they had discovered them. Germany and England, however, sent a joint Note refusing to acknowledge the claim on the grounds that Spain had practically abandoned them for many years. The crisis was reached when, on August 25, 1885, Spanish and German war vessels both took possession of the islands. The matter lingered on for a month, and on September 24, as a compliment to Leo and to propitiate Spain, Bismarck agreed to refer the matter to the arbitration of the Pope. The Pope gave his award on October 22, and succeeded perfectly in adjusting the rival claims. It

was accepted by both and signed at the Vatican on December 17.

The mediations of the papacy were frequent and numerous in the Middle Ages. They become rarer as we approach our own time. But recently men's eyes have been turned once again to one whose independent position and moral influence constitute him the ideal Peacemaker of the world.

See also: *L'Église et la Guerre* (Paris, Bloud et Cie); Robinson, *History of Western Europe*; Tout, *The Papacy and the Empire*; Cath. Encyc., vol. ix, *Papal Arbitration*; Hergenröther, *Catholic Church and Christian State*; Barry, *The Papal Monarchy*.

APPENDIX C

RECENT POPES ON PEACE AND WAR

POPE LEO XIII

(*Allocution. Feb.* 11, 1889)

NOTHING is more important than to avert from Europe the danger of war, and thus all that can be done towards this end must be considered as a work of public safety. . . . The menacing multiplication of armies is calculated rather to excite rivalry and suspicions than to repress them. It troubles men's minds by a restless expectation of coming disasters, and meanwhile it weighs down the citizens with expenses so heavy that one may doubt whether they are not even more intolerable than war itself.

POPE LEO XIII

Encyclical Letter on "The Reunion of Christendom" (*June* 20, 1894)

We behold the condition of Europe. For many years past peace has been rather an appearance than a reality. Possessed with mutual suspicions, almost all the nations are vying with one another in equipping themselves with military armaments. Inexperienced youths are removed from parental direction and control to be thrown amid the dangers of the soldier's life; robust young men are taken from agriculture, or

ennobling studies, or trade, or the arts, to be put under arms. Hence the treasures of States are exhausted by the enormous expenditure, the national resources are frittered away, and private fortunes impaired, and this, as it were, armed peace, which now prevails, cannot last much longer. Can this be the normal condition of human society? Yet we cannot escape from this situation and obtain true peace, except by the aid of Jesus Christ. For to repress ambition and covetousness and envy—the chief instigators of war—nothing is more fitted than the Christian virtues, and, in particular, the virtue of justice, for, by its exercise, both the law of nations and the faith of treaties may be maintained inviolate and the bonds of brotherhood continue unbroken, if men are but convinced that *justice exalteth a nation*.

POPE LEO XIII

Address to the Sacred College on Disarmament
(*April* 11, 1899)

To make less frequent and less sanguinary the terrible game of war, and thus to smooth the way to a more peaceful social life—this is an enterprise which will crown with glory whoever has wisdom and courage enough to set it on foot. Thus, from the beginning, we have welcomed the project with all the willingness and cordiality that beseem him who is charged with the supreme office of promoting and spreading over the earth the peaceful influence of the Gospel.

Would to God that this first step might lead to the attempt to compose the dissensions of the nations by purely moral and persuasive forces. What could the Church, the mother of the peoples, the natural enemy of violence and bloodshed, desire and wish more warmly. . . . The spirit of the Church is a spirit of humanity, of sweetness, of harmony, of universal charity. Her mission, like that of Christ, is essentially

peaceful and peace-making, since its object is the reconciliation of man with God. Whence the efficacy of religious influence in establishing among men true peace, not only, as it does every day, in the domain of conscience, but also, by reason of the liberty that has been granted to it to make its action felt, in public and social spheres: and this action has never failed to confer some public good every time that it has directly intervened in the great affairs of the world. It suffices to call to mind the many times that it has fallen to the Roman Pontiffs to put an end to acts of oppression, to obviate wars, to obtain armistices, agreements and treaties of peace. And what moved them was the consciousness of a supreme ministry, was the impulse of a spiritual fathership, befriending and saving. Calamities would have overtaken civilization, if, on certain occasions, the papal authority had not taken steps to bridle the inhuman instincts of oppression and conquest, vindicating as a right and in fact the natural supremacy of religion over force! Let the names, indissolubly coupled, of Alexander III and Legnano, of St. Ghislieri (St. Pius V), and of Lepanto, speak for themselves. Such is the intrinsic power of religious influence. Opposition and pressure may here and there trammel its work, but it remains unchanged and ever potent, so that, whatever the vicissitudes of the times may be, the Church of God shall serenely follow its course, always doing good. Heaven is its aim, but its work embraces heaven and earth, for in Christ were united all things, both of heaven and earth. It would therefore be a vain hope to promise oneself unmixed and lasting prosperity from mere humanitarianism; just as it would be retrograde and ruinous to try to withdraw civil culture from the inspiration of that Christianity which gave it life and form, and which alone can preserve it in security and render it fruitful.

POPE PIUS X

Letter to the Apostolic Delegate to the United States, 1911

To compose differences, to restrain the outbreak of hostilities, to prevent the dangers of war, to remove even the anxieties of so-called armed peace, is, indeed, most praiseworthy, and any effort in this cause, even though it may not immediately or wholly accomplish its purpose, manifests, nevertheless, a zeal which cannot but redound to the credit of its authors and be of benefit to the State. This is specially true at the present day. . . . Wherefore We most heartily commend the work already begun, which should be approved by all good men, and We most gladly lend the weight of Our authority to those who are striving to realize this most beneficent purpose.

POPE BENEDICT XV

From the Encyclical Letter "Ad Beatissimi" (*Nov.* 1, 1914)

As soon as we were able from the height of Apostolic dignity to survey at a glance the course of human affairs, our eyes were met by the sad condition of human society, and we could not but be filled with bitter sorrow. For what could prevent the soul of the common Father of all being most deeply distressed by the spectacle presented by Europe, nay, by the whole world, perhaps the saddest and most mournful spectacle of which there is any record? Certainly those days would seem to have come upon us of which Christ our Lord foretold: "You shall hear of wars and rumours of wars—for nation shall rise against nation, and kingdom against kingdom" (Matt. xxiv, 6, 7). On every side the dread phantom of war holds sway: there is scarce room for another thought in the minds of men. The combatants are the greatest and wealthiest nations of the earth; what wonder then if,

well provided with the most awful weapons modern military science has devised, they strive to destroy one another with refinements of horror. There is no limit to the measure of ruin and slaughter: day by day the earth is drenched with newly-shed blood, and is covered with the bodies of the wounded and of the slain. Who could imagine as we see them thus filled with hatred of one another, that they are all of one common stock, all of the same nature, all members of the same human society? Who would recognize brothers, whose Father is in heaven? Yet while with numberless troops the furious battle is engaged, the sad cohorts of war, sorrow and distress swoop down upon every city and every home, day by day the mighty number of widows and orphans increases, and with the interruption of communications, trade is at a standstill; agriculture is abandoned; the arts are reduced to inactivity; the wealthy are in difficulties; the poor are reduced to abject misery; all are in distress.

Moved by these great evils, we thought it our duty, at the very outset of our Supreme Pontificate, to recall the last words of our Predecessor, of illustrious and holy memory, and by repeating them once more, to begin our own Apostolic Ministry; and we implored Kings and rulers to consider the floods of tears and of blood already poured out, and to hasten to restore to the nations the blessings of peace. God grant by His mercy and blessing, that the glad tidings the Angels brought at the birth of the divine Redeemer of mankind may soon echo forth as we His Vicar enter upon His Work: "on earth peace to men of good will" (Luke ii, 14). We implore those in whose hands are placed the fortunes of nations to hearken to our voice. Surely there are other ways and means whereby violated rights can be rectified. Let them be tried honestly and with good will, and let arms meanwhile be laid aside. It is impelled with love of them and of all mankind, without any personal interest

whatever, that we utter these words. Let them not allow these words of a friend and a father to be uttered in vain. . . .

Our Lord Jesus Christ came down from heaven for the very purpose of restoring amongst men the Kingdom of peace, which the envy of the devil had destroyed, and it was His will that it should rest on no other foundation than that of brotherly love. These are His own oft-repeated words: "A new commandment I give unto you: That you love one another" (John xiv, 34); "This is my commandment that you love one another" (John xv, 12); "These things I command you, that you love one another" (John xv, 17); as though His one office and purpose was to bring men to mutual love. He used every kind of argument to bring about that effect. He bids us all look up to heaven: "For one is your Father who is in heaven" (Matt. xxiii, 9); He teaches all men, without distinction of nationality or of language, or of ideas, to pray in the words: "Our Father, who art in heaven" (Matt. vi, 9); nay, more, He tells us that our Heavenly Father in distributing the blessings of nature makes no distinction of our deserts: "Who maketh His sun to rise upon the good and bad, and raineth upon the just and the unjust" (Matt. v, 45). He bids us be brothers one to another, and calls us His brethren: "All you are brethren" (Matt. xxiii, 8); "that He might be the first-born amongst many brethren" (Rom. viii, 29). In order the more to stimulate us to brotherly love, even towards those whom our natural pride despises, it is His will that we should recognize the dignity of His own very self in the meanest of men: "As long as you did it to one of these My least brethren, you did it to Me" (Matt. xxv, 40). At the close of His life did He not most earnestly beg of His Father, that as many as should believe in Him should all be one in the bond of charity? "As thou, Father, in Me, and I in Thee" (John xvii, 21). And finally,

as He was hanging from the cross, He poured out His blood over us all, whence being as it were compacted and fitly joined together in one body, we should love one another, with a love like that which one member bears to another in the same body. . . .

We implore with our most earnest prayers the end of this most disastrous War for the sake of human society and for the sake of the Church; for human society, so that when peace shall have been concluded, it may go forward in every form of true progress; for the Church of Jesus Christ, that freed at length from all impediments it may go forth and bring comfort and salvation even to the most remote parts of the earth. . . .

It remains for Us, . . . since in God's hands are the wills of Princes and of those who are able to put an end to the suffering and destruction, of which We have spoken, to raise Our voice in supplication to God, and in the name of the whole human race, to cry out: "Grant, O Lord, peace, in our day."

APPENDIX D

BENEDICT XV AND THE EUROPEAN WAR

THE death of Pope Pius X at the outbreak of the war and the election of his successor, whose first words as supreme Pontiff spoke of his desire for peace, turned the minds of many non-Catholics with sympathy and expectation to the traditional Peacemaker of Europe.

In this country the Rev. R. J. Campbell's suggestion that the Pope should be invited to summon a conference of Christian bodies for the promotion of peace met with much favour. So eminent an authority on international law as Sir Thomas Barclay, in an address to the Sociological Society in March 1915 pointed out that

> The world needs some great moral force to guide and uphold it amid the ambitions of sovereigns and statesmen, to protect men against their own cruel and rapacious instincts and to set a higher tone of human sympathy and fraternity among men generally.[1]

and instanced the Vatican as possessing the kind of independence and moral authority required. In the early days of the war, too, when people were lamenting over their shattered dreams of international peace, a non-Catholic paper asked the question why the Peace Palace was not at the Vatican instead of

[1] *Manchester Guardian*, March 24, 1915.

at The Hague, and pointed out the advantages of having an arbitrator whose decision would claim respect throughout the world, who was free from all suspicion of personal interest and who had spiritual children in all parts of the globe.

The British Government recognized the unique opportunities of the Pope's position and, rising above sectarian narrow-mindedness, it sent Sir Henry Howard to the Vatican to facilitate the discussion of such subjects as might concern the interests of both.

In France, too, despite the opposition of an anti-Christian Government, statesmen who are far from being "clerical" in sympathies, have strongly advocated the resumption of diplomatic relations with the Holy See in view of the war. Thus M. Hanotaux, a former Foreign Minister, spoke his mind very frankly on the subject in an article to the *Figaro*, and subsequently on his return from Rome where he had studied the political situation especially from this point of view, he declared himself confirmed in his opinion that it was for France's best interests to resume at least "conversations" with the Holy Father and to send a temporary representative to the Vatican.

Nor has the Holy Father failed to respond to the hopes placed in his high moral influence. His humane action in urging an armistice on Christmas day, though unsuccessful, was appreciated by all lovers of peace.

His appeal for the release of military prisoners of war unfit for further service was more successful, the rulers of all the belligerent nations assenting to his proposal, the first to do so being King George V.

Later on the Pope made a similar appeal on behalf of civil prisoners of war—women and children, and men over forty-five years of age. *The Tablet* for April 17 announced the success of this attempt:

We owe the release of the medically unfit civilians who, as British subjects, were detained in Germany, entirely to the intervention of the Holy Father, who was kept informed of the abortive negotiations between the two Governments by Sir Henry Howard. Just when it seemed that the German Government would refuse all concessions, the diplomacy of the Vatican was successful.[1]

The labours of the Pope on behalf of humanity have, of course, met with criticism. Some have protested on the ground that he has done too much. Others have expressed their disappointment that he has not done more. To the latter may be recommended a careful perusal of the following extract from the Lenten Pastoral Letter (1915) of the Bishop of Northampton: [2]

As the apostle of peace, the radius of the Pope's useful action is strictly circumscribed. It is evident that a successful peacemaker must be above all suspicion of partisanship. His expressions of sympathy with the victims of war must not lend themselves to the purposes of journalists on the look-out for "copy." To be effective, his plea on behalf of sacred shrines and persons, and the civil population generally, must not go behind the motives of necessity rightly or wrongly avowed by the invader. Benevolent proposals must be confined to such as are of equal advantage to all belligerents. Any other course of action would alienate at least one of the parties, and would, by compromising the impartiality of the Holy See, cancel all its pacific influence.

The enemy of mankind will deem his evil work only half done unless he succeeds in dividing the Catholic Church as well as Christian civilization. To that fell purpose we do not hesitate to ascribe, not merely the attacks on the attitude of the Holy See emanating from notoriously hostile quarters, but a certain restlessness and dissatisfaction manifested in some Catholic circles. Why does not the Pope say plainly which side is right and which is wrong? Why, at all events,

[1] *See* Sir Henry Howard's note to Sir Edward Grey, informing him of this success, and Sir Edward's note thanking the Pope on behalf of His Majesty's Government for his successful intervention. Germany subsequently withdrew her consent.

[2] Since this was written Cardinal Bourne has also spoken on this subject. See *The Tablet*, June 5, 1915.

has he refrained from openly and fearlessly denouncing the cruelty and other misdeeds of our unscrupulous foe ?

The answer is not difficult. The stronger we feel our national cause to be the more vehemently we ought to deprecate a Papal decision, even in our favour. It is unnecessary and undesirable. Unnecessary, because the almost limitless resources of our Empire and our control of all channels of communication afford us ample means of submitting our case to public opinion : undesirable, because, in the hypothesis contemplated, an intolerable strain would be laid upon the loyalty of German and Austrian Catholics. Let us consider it fairly. A few weeks ago, the German Hierarchy published what is properly described as "a dignified and temperate Pastoral" breathing the same conviction of the righteousness of their cause as we have proclaimed for ours. There is nothing surprising in that. The Church is not compromised by our divided opinions. No truth of faith or morals is at stake. No authoritative decision is called for. The German prelates teach what we teach on such subjects as the sacredness of treaties, the binding-force of international law, the wickedness of rapine, theft, lust, and wanton slaughter. We have been taught out of the same text-books and often in the same schools. But many of the alleged facts of recent occurrence are disputed ; and of those that are indisputable, there is a German as well as an English version. Is it wonderful that the German bishops have adopted the version put out by their own Government in preference to that circulated by ours ? We believe that the final verdict of history will be in our favour. But, in the meantime, we must surely allow that they would be justified in refusing to have the English version thrust upon them, even though countersigned by a *non*-infallible approbation of the Holy See.

We have only to reverse the case, and imagine a pro-German manifesto imposed upon ourselves, to be convinced of the wisdom, and prudence, and righteousness of the policy marked out for himself by Benedict XV. Noble as is the apostolate of peace, he has a more sacred apostolate still. Precious as is the reunion of Christian States, the seamless robe of Catholic unity is still more precious, and must always remain his predominant interest. Even in behalf of peace, he may not expose it to violation. But no such dilemma will ever confront him. He will be a power for peace just in proportion to his success in holding all his children, of whatever nationality, close to his paternal heart.

BIBLIOGRAPHY OF PEACE AND WAR

Note. These books represent very various points of view, and it is by no means implied that they are all reliable. But each of them has some importance or interest, and the advanced student will be able to test them by the principles laid down in this *Primer*.

I. HISTORICAL

ABELL, F. *Prisoners of War in Great Britain*, 1756–1815. Oxford Univ. Press, 1915. 15*s*. net.

ACTON, LORD. *History of Freedom*. London, 1907. 10*s*. net.

BELLOC, H. *Warfare in England*. Williams and Norgate, 1914. 1*s*. net.

BRYCE, VISCOUNT. *The Holy Roman Empire*. (Chapters vii and xv deal with the influence of Pope and Emperor on international affairs in mediæval Europe.)

FISHER, H. A. L. *The Republican Tradition in Europe*, 1911. 6*s*. net.

HUMPHREY, A. W. *International Socialism and the War*. King, 1915. 3*s*. 6*d*. net.

LAURENT, F. *Histoire du Droit des Gens*. Ghent, 1850. 3 vols.: I. Oriental nations; II. Greeks; III. Romans.

OMAN, C. *History of Mediæval Warfare*.

PERRIS, G. H. *A Short History of War and Peace*. Williams and Norgate. 1*s*. net.

PHILLIPS, W. A. *The Confederation of Europe*. Longmans, 1913. 7*s*. 6*d*. net. (A study of the European

alliance, 1813–1823 as an experiment in the international organization of peace. Also examines the "Great Design" of Sully and the project of the Abbé de St. Pierre).

POLLARD, A. F. *The War: its History and Morals.* Longmans, 1915. 6*d*. net.

PRICE. M. P. *The Diplomatic History of the War.* Allen. 2nd ed. 7*s*. 6*d*. net.

ROSE, J. HOLLAND. *The Origins of War.* Cambridge Univ. Press. 2*s*. net.

SEELEY, SIR JOHN. *The Expansion of England.*

TENISON. L. M. *Chivalry and the Wounded: the Hospitallers of St. John of Jerusalem,* 1014–1914. Upcott Gill. 1*s*. net.

TOD, MARCUS N. *International Arbitration amongst the Greeks.* Oxford Univ. Press, 1913. 8*s*. 6*d*.

VANDERPOL, A. *La Guerre devant le Christianisme.* Paris, Tralin. 2.50 fr.

WALKER, T. A. *History of the Law of Nations.* Cambridge Univ. Press, 1899.

WHEATON, HENRY. *History of the Law of Nations.* Dublin, 1845, and New York.

II. POLITICAL

ALLEN, J. W. *Germany and England.* Bell, 1914. 2*s*. 6*d*. net.

ANGELL, NORMAN. *The Great Illusion.* 8th ed. Heinemann. 2*s*. 6*d*. net.

ANGELL, NORMAN. *Foundations of International Polity.* Heinemann, 1914. 3*s* 6*d*. net.

ANGELL, NORMAN. *Problems of the War.* Adult School Union, 6*d*. net.

BERNHARDI, GEN. F. VON. *Germany and the Next War.* Arnold. 2*s*. net.

BERNHARDI, GEN. F. VON. *The New Bernhardi: World Power or Downfall.* Pearson, 1*s*. net.

BRAILSFORD, H. N. *The War of Steel and Gold.* Bell, 5*s*. net. (Chapters on Balance of Power, Diplomacy, Peace, Armaments, etc.)

COURTNEY. W. L. *Armageddon and After.* Chapman and Hall. 1*s*. net.

CRAMB, J. A. *Germany and England.* Murray, 2*s*. 6*d*. net. (A deplorable book.)

CROMER, EARL OF. *Ancient and Modern Imperialism.* Murray, 1910. 2s. 6d.

DAVIES, H. W. C. *The Political Thought of Heinrich von Treitschke.* Constable. 6s. net.

DAWSON, W. H. *What is Wrong with Germany?* Longmans, 2s. net. (Discusses causes of war and suggestions for peace terms. Useful.)

HOBSON, J. A. *Imperialism: a Study.* Constable, 1905. 2s. 6d.

LOWES DICKINSON, G. *After the War.* Fifield. 6d. net. (Discusses settlement.)

LOWES DICKINSON, G. *The War and the Way Out.* Chancery Lane Press. 6d. (Develops ideas of public right, small nationalities and European partnership.)

PERRIS, G. H. *The War Traders.* National Peace Council. 1s.

TOYNBEE, ARNOLD J. *Nationality and the War.* Dent, 1915. 7s. 6d. net. (Interesting and suggestive, but needs to be read in a critical spirit. Settlement on basis of nationality. Advocates plebiscites and permanent international executive.)

TREITSCHKE. *Life and Works.* Jarrold. 7s. 6d. net.

TREITSCHKE. *Germany, France, Russia and Islam.* Jarrold. 7s. 6d. net. (For the external politics of the various belligerents, see the references in *The War and Democracy.*)

III. PHILOSOPHICAL AND RELIGIOUS

BAKER, J. F. BETHUNE. *Influences of Christianity on War.* Macmillan, 1889.

BARR, JAMES. *Christianity and War.* Simpkin Marshall. 1s. 6d.

BATIFFOL, MGR. (and others). *L'Église et la Guerre.* Paris: Bloud, 1913. 3 fr. (A most useful and reliable book, strongly recommended.)

BENSON, MGR. *Vexilla Regis.* Longmans, 1914. 1s. 6d. net. (A book of devotions.)

BROCK, A. C. *Thoughts on the War.* Methuen. 1s.

CHITTENDEN, HIRAM, M. *War or Peace: a present Duty and a future Hope.* Sampson, Low. (A useful little book.)

DE BLOCH, JEAN. *The Future of War.* Ginn & Co. 2s. 6d. net.

FISHER, H. A. L. *The War: its Causes and Issues.* Longmans, 6*d.* net.

Friends and the War. Papers read at a Conference in the autumn of 1914. Headley, 1*s.* net.

GORE, CHARLES (Bishop of Oxford). *The War and the Church.* Mowbray. 1*s.* 6*d.* net.

GRANE, W. L. *The Passing of War.* 4th ed. Macmillan, 1914. 2*s.* 6*d.* net. (A criticism of Norman Angell. The main hope for the permanence of peace lies in the development of the moral ideal. Suggestive, but vitiated by conviction that war is intrinsically evil.)

HALDANE, VISCOUNT. *Higher Nationality.* Murray, 1913. 1*s.* (A study in law and ethic.)

HEATH, J. ST. G. (and others). *Christ and Peace.* Headley, 1*s.* net. (A discussion of some fundamental issues raised by the war.)

KANT, IMMANUEL. *Perpetual Peace* (trans. by M. C. Smith). Allen. 2*s.* 6*d.* net.

KENNEDY. *Influence of Christianity on International Law.* Cambridge, 1856.

LEVI, L. *The Law of Nature and Nations as affected by Divine Law.* London, 1855.

LEVI, L. *War and its Consequences.* Murray. 2*s.* 6*d.*

LLOYD THOMAS, J. M. *The Immorality of Non-resistance,* 1915. Cornish. 1*s.* net.

MITCHELL, P. CHALMERS. *Evolution and the War.* Murray, 1915. 2*s.* 6*d.* net.

MUIRHEAD, J. H. *German Philosophy in Relation to the War.* Murray, 1915. 2*s.* 6*d.* net.

Peace Year Books (1910–1915). National Peace Council, 167 St. Stephen's House, Westminster. 1*s.* each.

Practice of Christianity, The. By the author of "Pro Christo et Ecclesia." Macmillan. 4*s.* 6*d.* net.

ROBERTS, R. *Personality and Nationality.* Headley. 1*s.* net.

SANDAY, DR. *The Meaning of the War for Germany and Great Britain.* Oxford Press. 1*s.* 6*d.*

SETON WATSON, R. W. (and others). *The War and Democracy.* Macmillan. 2*s.* net. (A useful and well-written book.)

VANDERPOL, A. *La Doctrine Scholastique de la Guerre.* Paris: Tralin. 0.50 fr.

VANDERPOL, A. *Le Droit de Guerre d'après les Théologiens et les Canonistes du Moyen Age.* Paris: Tralin, 1911. 3.00 fr. (An excellent work. Strongly recommended.)

WALLAS, GRAHAM. *The Great Society: A Psychological Analysis.* Macmillan, 1914. 7s. 6d. net.

War Justified: an Appeal to Scripture and Common Sense. By a Lover of Peace. Birmingham: Hudson, 1869. 10s. 6d. (A sober and reasoned defence of the lawfulness of war.)

WARD, MGR. B. *Thoughts in War Time.* Catholic Truth Society. 1s. 6d. net.

WATKIN, E. I. *A Little Book of Comfort in Time of War.* Catholic Truth Society. 6d. net.

IV. INTERNATIONAL LAW

AYALA, B, *De Iure et Officiis Bellicis.* Lyons, 1648.

BAKER, SIR SHERSTON. *First Steps in International Law.* London, 1889.

BARCLAY, SIR THOMAS. *Law and Usage of War.* Constable. 5s. net. (Short and concise articles in alphabetical order: excellent.)

BATY, T. *International Law.* Murray. 10s. 6d. net.

BATY, T. and J. H. MORGAN. *The War: its Conduct and Legal Results.* Murray, 1915. 10s. 6d. net. (Shows the effects of war upon the laws of the Realm. For advanced students of legal aspect of war.)

BATY, T. *Britain and Sea Law.* Bell, 1911. 1s.

BENTHAM. Fragments on International Law in vol. VIII of his "Works."

BLUNTSCHLI. *Das Moderne Völkerrecht, &c.* 1868.

BRAY, F. E. *British Sea Rights under the Declaration of London.* King, 1911. 1s. (A defence of the Declaration of London against its critics.)

BYNKERSHOEK. *Quæstiones Iuris Publici*, 1737.

CHITTY. *Treatise on the Law of Nations*, 1812.

CREASY, SIR EDWARD. *First Platform of International Law.* London: Van Voorst, 1876. 21s. (Stress on moral law, but Utilitarian basis.)

DARBY, W. EVANS. *International Tribunals.* Dent, 1904. 15s.

GENTILI, ALBERICO. *De Iure Belli.* 1598 (edition by Prof. Holland, Oxford, 1878).

GENTILI, ALBERICO. *De Legationibus.*

GROTIUS. *De Iure Belli et Pacis.* Paris 1625. Also text with abridged trans. by Whewell. Cambridge Press, 1853. 12*s*,

HALL, W. E. *A Treatise of International Law.* Oxford Press, 6th ed., 1909.

HALLECK, H. W. *International Law.* 4th ed., 1908.

HEFFTER. *Le Droit International de l'Europe* (trans.). 4th ed. Paris, 1883.

HEINECCIUS, J. G. *Elementa Iuris Naturæ et Gentium.* Trans. Turnbull, 1742.

HIGGINS, A. P. *War and the Private Citizen.* King, 1912, 5*s*.

HOLLAND, T. E. *Studies in International Law.* Oxford, 1898.

HOSACK, J. *On the Rise and Growth of the Law of Nations*, London, 1882.

KENT. *Commentary on International Law.* Ed. J. T. Abdy. Cambridge, 1877.

LAWRENCE, T. J. *A Handbook of Public International Law.* 8th ed. Macmillan, 1913. 3*s*. (One of the best known and most useful handbooks on the subject.)

LAWRENCE, T. J. *The Principles of International Law.* 4th ed., 1910. Macmillan, 12*s*. 6*d*. net.

LAWRENCE, T. J. *International Problems and the Hague Conferences.* Dent, 1908, 3*s*. 6*d*.

MAINE, SIR H. *International Law.* Murray, 7*s*. 6*d*.

MARTENS. *Causes célèbres du Droit des Gens.* 1827.

MEYER, THEODORUS. *Institutions Iuris Naturalis.* Herder, 1885, 2 vols..

MORGAN, J. H. *The German War Book.* Murray, 2*s*. 6*d*. net.

NYS, E. *Le Droit International* (4 vols.). Brussels, 1904–6.

OPPENHEIM, L. *International Law*, 2 vols. London, 1905–6. 18*s*. each.

PHILLIMORE, R. *Commentaries upon International Law*, 4 vols. (2nd ed. 1870–4). ("The most extensive and learned work on the science in our language if not in any language."—Woolsey.)

PICCIOTTO, C. M. *The Relations of International to the Law of England and of the United States.* McBride.

6*s*. net. ("Dispels the illusion that international law to its whole extent is part of the law of England." —Oppenheim.)

POLLOCK, SIR, F. *The Modern Law of Nations and the Prevention of War*. Cambridge Modern History, vol. XII, chap. XXII.

PUFFENDORF. *De Iure Naturæ et Gentium*, 1672.

SMITH, F. E. *International Law*. Dent, 1903. 1*s*. (A brightly-written little handbook.)

SPAIGHT, J. M. *War Rights on Land*. Macmillan, 12*s*. net. (Gives information and quotes precedents as to use of poisonous gases, ill-treatment of prisoners, right to quarter, reprisals, etc.)

STEPHEN. *International Law and International Relations*. London, 1884.

TWISS, TRAVERS. *International Law*. Oxford Univ. Press, 1884.

VATTEL. *The Law of Nations* (*Droit des Gens*), trans. by J. Chitty. London, 1760.

WALKER, T. A. *The Science of International Law*. Cambridge Univ. Press, 1893. 15*s*.

WESTLAKE, JOHN. *Chapters on the Principles of International Law*. Cambridge Univ. Press, 1894. 9*s*.

WESTLAKE, JOHN. *Collected Papers on Public International Law*. Cambridge Univ. Press, 1915. 18*s*. net.

WHEATON, HENRY. *Elements of International Law* (ed. Boyd). 3rd English ed. London, Stevens, 1889.

WOLF, CHRISTIAN VON. *Ius Gentium*.

WOOLSEY, T. D. *Introduction to the Study of International Law*. 6th ed. New York, 1891.

V. FATHERS OF THE CHURCH, THEOLOGIANS, EARLY CANONISTS

ST. AUGUSTINE (354–430). The question of war treated in his *City of God* (*De Civitate Dei*), in *Contra Faustum*, and in some of his letters.

ST. ISIDORE OF PELUSIUM (370–450). *Letters*.

ST. ISIDORE OF SEVILLE (570–636). *Originum libri XX*.

ST. THOMAS AQUINAS (1227–1274). *Summa theologica*.

ST. ANTONINUS (1389–1459). *Summa theologica*.

CARLATTI (ANGELUS) (died 1495). *Summa angelica de casibus conscientiæ.*
CAJETAN (1469–1534). *Summa S. Thomæ commentariis illustrata.*
VITTORIA, FRANCIS DE (1480–1546). *Relectiones theol.* (V. *de Indis*; VI. *de Iure Belli.*)
SOTO, DOMINIC (1494–1560). *De Iustitia et Iure.*
SUAREZ, F. (1548–1617). *De Legibus ac Deo Legislatore; De triplici virture theol.* (p. III *de Bello*).
VASQUEZ, G. (1551–1604). *Commentaria in Summa S. Thomæ.*
LUGO, J. DE (1583–1660). *De Iustitia et Iure.*

Canonists

GRATIAN. *Decretum.*
ST. RAYMUND OF PENNAFORT (1175–1275). *Summa.*
INNOCENT IV. *Apparatus.*
HOSTIENSIS. *Summa aurea.*
INNOCENT IV. *Apparatus.*
For Lignano, Lupus, Arias, Bellini, etc., *see* Ziletti, *Tractatus totius Iuris.* (Venice, 1584.)

VI. PAMPHLETS

Pax Christi: The Catholic Church and Peace. By the Bishop of Salford.
Christianity and War. By the Rev. Joseph Keating, S.J.
Catholicism and Peace. By the same.
War, Sin and Suffering. By the Rev. H. Koos, O.P.
(The above four pamphlets are published by the Catholic Truth Society. One penny each.)
The Ethics of War. By the Rev. E. Masterson, S.J. *Irish Messenger*, Dublin. 1*d.*
Pastoral Letter of His Eminence Cardinal Mercier, Christmas 1914. Burns and Oates, 2*d.*
Oxford Pamphlets on the War. Nos. 1–75. (Oxford Univ. Press.) 2*d.* each. (A useful series.)
Papers for War Time. Edited by Rev. W. Temple. (Oxford Univ. Press.) 2*d.* each. (Some of these are excellent.)
National Peace Council, Pamphlet Series. About thirty penny pamphlets. 167 St. Stephen's House, Westminster.

"Union of Democratic Control," Pamphlets. (Nine published.) 1*d.* each. (To be read with considerable caution.)

Christianity and the War. By Canon Scott Holland. Christian Social Union pamphlet, No. 42. See also the following numbers of these pamphlets.

INDEX

The numbers refer to the pages

S 2

P. S. King & Son, Ltd., Orchard House, Westminster, London, S.W.